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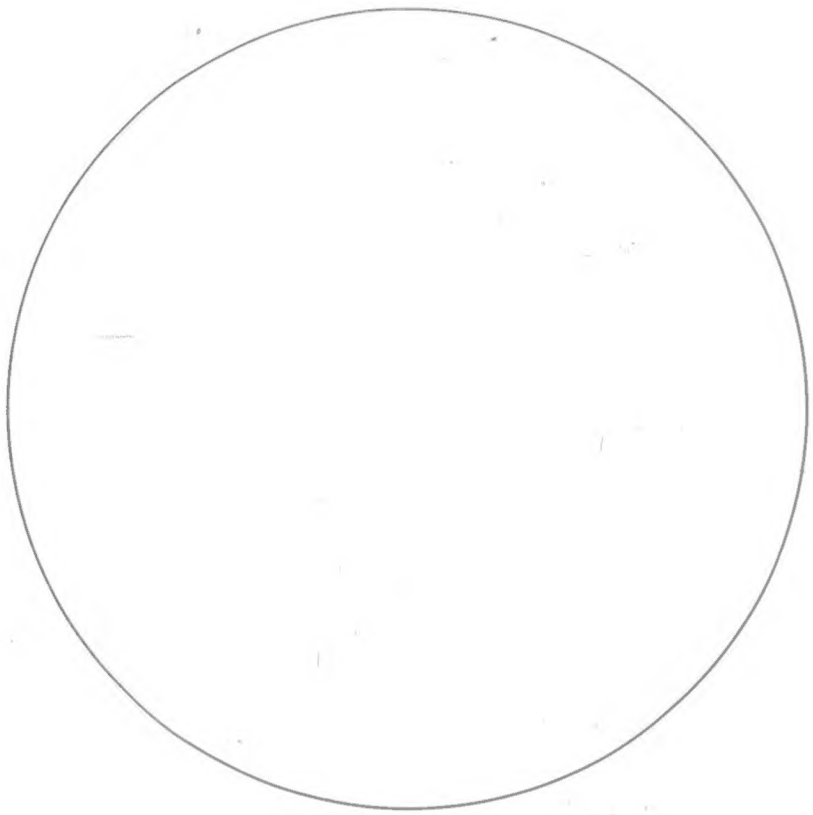

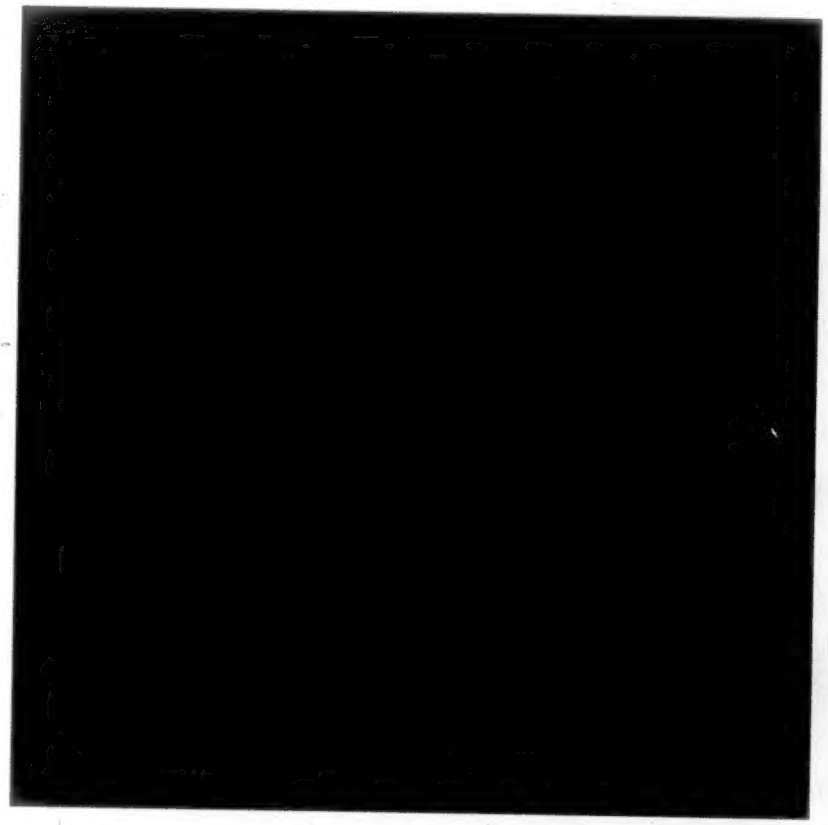

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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 296

CHEROKEE FREEDMEN 1425 - 1470

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Cher Fr 1425

Trans. from Cher Fr D 348

Cher Fr 1425

J.D. 348

A.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 17, 1901.

In the matter of the application of July Martin for the enrollment of himself, his wife, Josephine R. Martin, and his five children as Cherokee Freedmen; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A July Martin.
Q How old are you? A About 42, I guess.
Q What is your postoffice? A Chelsea.
Q What district do you live? A Cooweescoowee.
Q Who is it you want to have put on the roll? A Myself and children.
Q How many children? A Five.
Q Have you a wife? A Yes sir.
Q Do you want to apply for her? A She is going with her brothers.
Q I don't want her to go with her brothers, you better apply for your wife? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Lived here ever since I can recollect.
Q And you lived in the nation all your life? A Yes sir.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir, always has been.
Q Give me the name of your father. A Aaron Martin.
Q Is he alive? A Yes sir.
Q Give me the name of your mother. A Queen Martin.
Q Is she alive? A No sir, she is dead.
Q How long has your mother been dead? A She has been dead about 16 or 17 years.
Q Give me the name of your wife? A Josephine Robinson Martin.
Q How old is your wife? A 38.
Q Give me the name of your wife's father. A I didn't know her father.
Q Give me the name of your wife's mother. A I forget her mother's name; her mother died a few days after me and her married.
Q Where is your wife? A She is at home.
Q Does your wife claim to be a Cherokee Freedman of her own right. A She claims to be a free darkey.
Q She claims to have been free in the Cherokee Nation at the time of the war? A Yes sir.
Q Do you know anything about her in her child hood? A I have been knowing her ever since she was about 14 or 15 years.
Q But you can't go back there to the war times? A No sir.
Q When did you and she marry? A About 18 years ago.
Q Were you ever married except to this wife? A No sir.
Q Was she ever married except to you? A No sir.
Q Have you and she lived together ever since you were married? A Yes sir.
Q Give me the names of your children. A Queen Martin.
Q How old is that child? A 16.
Q The name of the next child? A Carrie Martin.
Q How old is Carrie? A She is 14.
Q Give me the name of the next child? A Annie Martin.
Q How old is Annie? A She is 13.
Q The name of the next child? A Wesley Martin.
Q How old is Wesley? A Four years old.
Q Give me the name of the next child? A Betsy Martin.
Q How old is Betsy? A Two years old.
Q Are these children all living now? A Yes sir.

The 1880 authenticated roll, the 1896 census roll examined and the names of the applicants not found thereon.

Q What was your wifes name when you married her? A Josephine Robinson.
Q Did you draw Cherokee strip money? A Yes sir.

The Kerns Clifton Roll examined and the name of the applicant is found on page 119, No. 2963, July or Julius Martin, Delaware District.
The Kerns Clifton Roll examined for the name of his wife and her name is not found thereon.
The Kerns Clifton Roll examined and the names of the applicant's children are found thereon as follows:
Page 119, No. 2964, Queen Martin, Delaware District.
Page 119, No. 2965, Carrie Martin, Delaware District.
Page 119, No. 2966, Ann Martin, Delaware District.

Q These are all children of your present marriage, are they? A Yes sir.
Q Can you explain why you are not on the roll of 1880? A No sir, I can't.
Q Did your father marry after your mother, Queen, died? A Yes sir.
Q Have you brothers and sisters by this woman, Queen? A Yes sir.
Q Do they enter into your father's case? A Yes sir.
Q Give me the names of your full brothers and sisters? A Mike Martin, Josh Martin, Israel and George Martin.
Q How old is George? A George is about forty I r ckon.
Q How old is Mike? A I don't exactly know how old he is.

Melsy Downing, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name. A Melsy Downing.
Q How old are you? A About 53.
Q What is your postoffice? A Chelsea.
Q How long have you lived in the Cherokee Nation? A I have lived here very near all my life. I was small when I was taken out of here.
Q Do you know this applicant here, July Martin? A Yes sir.
Q How long have you known him? A I have been knowing him might near all my life. I am known him all his life.
Q Do yu know his wife? A Yes sir.
Q What is her name? A Josie.
Q Josephine Martin? A Yes sir.
Q What was her name when he married her? A Josie. I was acquainted with him, but I wasn't acquainted with his wife.
Q You don't remember what her name was? A No sir, I don't.
Q Have you known her ever since she was married to this man? A Yes sir.
Q About how long have they been married? A They have been married, I reckon, 14 or 15 years; It has been since I knowed them.
Q Had they been living together as husband and wife ever since you knew them? A Yes sir.
Q And she is living with him now, is she? A Yes sir.

The applicant applies for the enrollment of himself, his wife and five children. The applicant is identified on the Kerns Clifton Roll, but not upon the roll of 1880, or upon the census roll of 1896. He claims to have lived in the Cherokee Nation all his life, except a brief absence during the war; and reference is made to the case of his father, Aaron Martin, Cherokee Card D 235, for further evidence in this case. The applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card. It is shown by personal testimony that the applicant and his wife were married according to his testimony eighteen years ago, and by other testimony identifying them back as far, at least, as fourteen years ago. No occasion is seen to doubt the testimony of the applicant regarding the period of his marriage. He states that neither he nor his wife were previously married. He does not know the name of his wife's father or mother, but states that prior

to her marriage she was a Robinson, and during the Civil War she was a free colored woman in the Cherokee Nation. She is not identified upon any roll, but she will now be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card with her husband. Of the five children named in the testimony, the first three, Queen, Carrie and Annie are identified upon the Kerns Clifton Roll. They are not identified on the roll of 1896. These children are now living, and they will be listed for enrollment as Cherokee Freedmen on a doubtful card with their father. When the Commission is supplied with certificates of birth of the two younger children, Wesley and Betsy, they also will be listed for enrollment as Cherokee Freedmen on a doubtful card with their father.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. G. Rothwiesger.

Subscribed and sworn to before me this 21st day of May, 1901.

Commissioner.

B. J. D. 348

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 17 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 8th 1901

Post Office Chelsea, I.T.

District Cooweescoowee

1. Name Jilly Martin Age 42

Owner's name Ned Citizenship

Year Ned Page 119 No. 2963 District Del.

Parents:

Father Aaron Martin — living Citizenship

Mother Queen " — dead Citizenship

2. Name of wife Josephine R Martin Age 31

Owner's name Citizenship

Year — Page — No. — District —

Parents:

Father — — — Citizenship

Mother — — — Citizenship

Names of Children:

3	Queen	Martin	Year Ned	Page 119	No. 2964	Dist. Del.	16
4.	Louise	"	Year "	Page 119	No. 2965	Dist. "	14
5.	Annie	"	Year "	Page 119	No. 2966	Dist. "	13
6.	Wesley	"	Year —	Page —	No. —	Dist. —	4
7.	Betsy	"	Year —	Page —	No. —	Dist. —	2
8.			Year	Page	No.	Dist.	
9.			Year	Page	No.	Dist.	
10.			Year	Page	No.	Dist.	
11.			Year	Page	No.	Dist.	
12.			Year	Page	No.	Dist.	

Application made by Self Stenographer C. H. Ottenbreger

1 On Ned roll as Jilly or Julius Martin

5 " " " " " " Annie "

6 & 7 Affidavits of birth to be supplied

DOUBTFUL

X Ref. B 235

CHEROKEE

CHEROKEE FREEDMAN. D 348

20

IN RE

Application for Enrollment of

INFANT CHILD

Wesley Martin

as a citizen of

CHEROKEE Nation.

Approved, 190

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Wesley Martin (Here insert name of child) born on the 1 day of June, 1897

Name of Father: July Martin, a citizen of the Cherokee Nation.

Name of Mother: Josephine R Martin, a citizen of the Cherokee Nation.

Post-office, Chelsea I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Josephine R Martin, on oath state that I am 38 years of age and a citizen, by Adoption of the Cherokee Nation; that I am the lawful wife of July Martin, who is a citizen, by adoption of the Cherokee Nation, that a male (male or female) child was born to me on the 1 day of June 1897; that said child has been named Wesley Martin, and is now living.

WITNESSES TO MARK (Must be Two Witnesses)

Josephine R. her X mark Martin

Millie Robeson

W. H. Robeson

Subscribed and sworn to before me this 10 *day of* June 1901.

Louis T Brown NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Eliza Martin, a midwife, on oath state that I attended on Mrs. Josephine R. Martin wife of July Martin, on the 1 day of June, 1897; that there was born to her on said date a male (male or female) child, that said child is now living and is said to have been named Wesley Martin

WITNESSES TO MARK (Must be Two Witnesses)

Eliza her X mark Martin

Millie Robeson

W. H. Robeson

Subscribed and sworn to before me this 10 *day of* June 1901.

Louis T Brown NOTARY PUBLIC

CHEROKEE FREEDMAN.

No. 10 20 D348.

IN RE

Application for Enrollment of

INFANT CHILD

Betsy Martin

as a citizen of

CHEROKEE Nation.

Approved, JUN 10 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 10 1901

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Betsy Martin (Here insert name of child), born on the 1 day of October, 1899

Name of Father: July Martin, a citizen of the Cherokee Nation.

Name of Mother: Josephine R Martin, a citizen of the Cherokee Nation.

Post-office, Cherokee I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Josephine R Martin, on oath state that I am 38 years of age and a citizen, by Adoption, of the Cherokee Nation; that I am the lawful wife of July Martin, who is a citizen, by adoption, of the Cherok Nation, that Female (male or female) child was born to me on the 1 day of October 1899; that said child has been named Betsy Martin, and is now living.

Josephine R. her X Martin mark

WITNESSES TO MARK (Must be two Witnesses)

Millie Robinson

W. H. Robinson

Subscribed and sworn to before me this 10 day of June 1901

Louis T. Brown NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Eliza Martin, a midwife, on oath state that I attended on Mrs. Josephine R Martin wife of July Martin, on the 1 day of October, 1899; that there was born to her on said date a Fem (male or female) child; that said child is now living and is said to have been named Betsy Martin

Eliza her X Martin mark

WITNESSES TO MARK (Must be two Witnesses)

Millie Robinson

W. H. Robinson

Subscribed and sworn to before me this 10 day of June 1901

Louis T. Brown NOTARY PUBLIC

Spacecraft notes

The Apollo 10 Lunar Module, the spacecraft that will carry astronauts Thomas P. Stafford and John W. Young down to the surface of the moon, is being checked out at the Grumman Aerospace Corporation's Bethpage, L.I., plant. The LM is the only spacecraft designed to operate in the airless environment of the moon. Its ascent stage will be left on the moon when the astronauts return to the command module in orbit around the moon. The LM is being tested in a simulated lunar environment at Grumman's Plum Island facility. Grumman is the prime contractor for the LM for the Apollo program.

FILED
JUL 19 1968
Clerk
U.S. Court of Appeals
District of Columbia Circuit

348

To be filed in case of July Martin.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T. May 10, 1901.

In the matter of the application of Aaron Martin for the enrollment of himself and three children as Cherokee Freedmen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Aaron Martin.
Q How old are you, Aaron? A I guess about 67 or 68.
Q What is your postoffice address? A Chelsea.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A I think there are three on the roll with their mother.
Q Has theirmother been here? A Their mother is dead.
Q What are the names of the three children? A Frances Martin.
Q How old is Frances? A 13.
Q The next one? A Neely.
Q How old is Neely? A About 9.
Q The next one? A Phoebe.
Q About how old is Phoebe? A About 7.
Q Whatwas the mother's name of these children? A Cora Adams.
Q Her name was Cora Adams before she married you? A Yes sir.
Q About how old would Cora be if she were alive? A I don't know sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A I don't know,sir; it ought to be.
Q Have you ever applied to be enrolled by any other tribe or nation? A No sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q Did you receive your money known as the Cherokee Strip money? A Yes sir.

The Kerns Clifton Roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 118, No. 2939, Aaron Martin, Delaware District.

Q Aaron, were you a slave before the war? A Yes sir.
Q Who did you belong to? A John Martin.
Q Was he a Cherokee citizen?m A Yes sir.
Q By blood? A Yes sir.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A To Kansas.
Q When did you return from Kansas after the war? A In '66.
Q Have you been living in the Cherokee Nation ever since 1866? A Yes sir.
Q Your name is not found on the roll of 1880, do you know the reason why? A No sir.
Q Did you ever apply to the Cherokee Council to have your name placed on the roll of 1880? A No sir, I didn't.
Q Have you any witnesses here? A Yes sir.
Q Who are they? A Cap Hicks, and Andrew Frey.
W. W. Hastings: Where did you come to when you come back? A I come to Dr. Thompson's place over there to Grand River.
Q Are you a blacksmith? A No sir.
Q Another Martin is a blacksmith? A Yes sir.

2- A. M.

Q Who was living down there at the Thompson place when you come back? A Why Mr. Jesse Cockrum was living at Johnson Thompson's place when I got back.
Q How long did you live at that place? A I stayed there until along sometime about Christmas, I reckon; I went down to Cap Hicks' mother then.
Q About what time did you come down to the Cherokee Nation after the war - what time in '66? A It was some time in the fall.
Q You have lived there ever since? A Yes sir.

Andrew Frey, being sworn and examined by Commissioner T.B. Needles, on part of the applicant, testified as follows:
Q Is your name Andrew Frey? A Yes sir.
Q How old are you? A 68.
Q What is your postoffice? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Freedman? A Yes sir.
Q Do you know Aaron Martin? A Yes sir.
Q How long have you known him? A Why I don't know, sir, just exactly how long, ever since we were boys.
Q Was he a slave? A Yes sir.
Q To whom did he belong? A He belonged to John Martin.
Q Do you know where Aaron Martin was in the year 1866? A Yes sir.
Q Where? A He was over here across the river part of the year 1866.
Q In the Cherokee Nation? A Yes sir.
Q Did he go out of the Cherokee Nationmduring the war? A Yes sir.
Q Where did he go? A He went to Fort Scott and from Fort Scott to Garnett, all around in there. He didn't stay at one place long.
Q Did he return? A Yes sir.
Q In what year? A In '65.
Q Are you any relation to him? A No sir.
Q Was he married at that time? A Yes sir.
Q Was his family with him? A Yes sir.
Q Did his family return with him? A Yes sir.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A I belonged to Mary Clark.
Q Were you in Kansas with Aaron Martin? A Yes sir.
Q Did you return with him? A Yes sir.
Q Have you known Aaron Martin well since that time? A Yes sir.
Q Has he lived in the Cherokee Nation since? A Yes sir.
W. W. Hastings: You say he come back with you? A Yes sir.
Q Who else come along? A There were lots of others, I don't recollect now who all came along; there was a big crowd of us.
Q Well, name some of the rest of them? A Peter Williams.
Q Anybody else? A Tobe Schrimsher, Jake Martin's family.
Q Anybody else? A I don't know who else.
Q That is all you can remember? A Yes sir.
Q What time in the year did he come back? A He come back - we got back over to Dr. Thompson's place the 3rd of October, '66.
Q Any colored folks there when you got there? A No one at all.
Q You are positive about that, are you? A Yes sir, no one at all there.
Q That was in October, '66? A Yes sir.
L. B. Bell: Who got back there first, you or Judge Daniels' family? A We.

Filmore Hicks, being sworn and examined by Commissioner Needles, on part of the applicant, testified as follows:
Q What is your name? A Filmore Hicks.
Q What is your age? A 53.
Q What is your postoffice address? A Vinita now.

Q Are you a citizen of the Cherokee Natinn? A Yes sir.
Q By blood? A Yes sir.
Q Do you know the applicant, Aaron Martin? A Yes sir.
Q How long have you known him? A I have known him about nearly forty years I reckon; I knew him before the war.
Q Was he a slave? A Yes sir, I suppose he was.
Q Who did he belong to? A John Martin.
Q Do you,know whether he went out of the Cherokee Nation during the war? A Well, I suppose he was; he wasn't around in the neighborhood.
Q When did you first see Aaron Martin after the war? A Late in the fall of '66.
Q Where at? A At my mother's.
Q Have you known him since that? A Known him ever since.
Q Has he always lived inmthe Cherokee Nation since that? A Yes sir.
Q Did he have a family at that time? A Yes sir.
Q Was his family with him? A Yes sir, they were up at Dr. Thompson's place; he come to my mother's and wanted to rent some land.
Q He rented some land? A Yes sir.
Q Did he farm that land in the fall of '66? A No sir, in the fall of '67.
W. W. Hastings: Who farmed it in '76? A Young Wolf, my mother's husband.
Q Did you ever have a renter after you had this fellow? A No, we had some hired hand, not any renter.
Q How far did you live from the mouth of Cabin Creek? A We just lived across the river; I reckon it isn't over three-quarters of a mile.
Q Opposite the mouth? A Just below a little on the other side of the river.
Q Your mother had a farm there that year? A Yes sir.
Q Are you positive this man tilled land there in the year '67? A Yes sir.
Q Do you know what he cultivated? A He put in corn.
Q About what size farm did your mother have that year? A About 20 or 25 acres.
Q You were at home then with her? A Yes sir.
Q What was your age then? A 17 or 18.
Q Did your mother have any other help besides you? A A boy older than I am and two younger than I am.
Q You never helped to cultivate the place that year? A Not much.
Commissioner of Applicant: Did you draw money for Frances and Neely? A Yes sir.

The Kerns Clifton Roll of the Freedmen of the Cherokee Nation examined and the names of the applicant's two older children are identified thereon as follows:
Page 23, No. 568, Frances Adams, Delaware District.
Page 23, No. 569, Nealey Adams, Delaware District.

Q Are their names Adams or Martin? A Martin is their name.
Q You didn't draw any money for Phoebe? A No sir, she was too young they said.
Q These children all alive and living with you at this time? A Yes sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant's wife is found on page 216, No. 44, Cora Adam, Delaware District.

4 - A. M.

Aaron Martin applies for the enrollment of himself and three children, Frances, Neely and Phoebe. His name is not found upon the authenticated roll of 1880, but is found upon the Kerns Clifton Roll. By reason of the fact that his name is not found upon the roll of 1880, and his citizenship is contested by the Cherokee Nation, his name will be placed upon a doubtful card. When the Commission arrives at a decision in his case, he will be notified by mail. He avers that his children, Frances, Neely and Phoebe, are the children of Cora Adams, his wife, and the name of Cora Adam is found upon the authenticated roll of 1880, and Frances, and Neely are identified on the Kerns Clifton Pay Roll. The name of Phoebe is not found upon any roll, having been born after the said rolls were compiled. They are all duly identified and make satisfactory proof as to residence, consequently, Frances, Neely, and Phoebe Martin will be duly listed for enrollment as Cherokee Freedmen. Their names appear upon the Kerns Clifton Roll as Adams, but they are duly identified as the applicants. In order to complete the enrollment of Phoebe, it will be necessary for him to file with the Commission satisfactory proof of birth of said Phoebe.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. Rothenberger

Subscribed and sworn to before me this 18th day of July, 1901.

Commissioner.

FILED
OCT 27 1903
COMMISSION TO FIVE TRIBES.

Ex. 348

Q Who did he belong to? A He belonged to - his mother belonged to Eliza Wright, and she went from Eliza Wright to John Martin. I don't know whetherhe owned them, or how it was, but he belonged to that outfit, that family.
Q Who did Aaron Martin belong to before the war? A John Martin.
Q Did Queen Martin belong to the same man, or somebody else?
A Eliza Wright raised her. She was born and raised on Eliza Wrights place, and after Aaron Martin married her, John Martin got her. They lived there together.
Q Was Eliza Wright a Cherokee citizen? A Yes sir, John Martin's sister.
Q Did Aaron Martin and Queen Martin begin living together before the war? A Yes sir.
Q Was John Martin a Cherokee citizen? A Yes sir.
Q Do you know when July Martin came back after the war? A He came back with Aaron Martin in the summer or fall of '66, down there on Grand River.
Q Who else came with him besides Aaron Martin's father? Who else came with July besides his father? A Andy Fox here, and Coleman Squire Martin, Squire Adair, old Peter Williams, Tobe Scrimsher, and Jake Martin's family. Jake didn't come himself, but his family came.
Q Did Queen Martin come at the same time? A Yes sir.
Q Where did you first see July Martin after the war? A The first time I saw him was down here on Grand River on the John Thomason place.
Q What Nation? A Cherokee Nation.
Q What district was that in? A Delaware District.
Q You think that was in '66? A I know it was.
Q What time of the year? A It was along the latter part of August or the first of October, something along there, I don't just remember exactly.
Q How long did July Martin and his parents live there at that time?
A They stayedthere all that winter and the next spring. I don't know whether they stayed all winter, part of the winter anyway, and the next spring they moved over on the edge of Lynch's Prairie, on a place they used to call the Tucker place. I don't know how long they stayed there, but when he moved from there he moved over on Pryor Creek. Hestayed there two orthree years, I don't remember.
Q Were you living around in that part of the country at that time?
A Yes sir.
Q Who else was living there when July Martin and Aaron Martin came down? A There was --
Q What other colored people? A There was me and Crap and Arch, Simon, Art Williams, Rowe, and Nelson Moore down here, I believe that's all.
Q You say Crap, you mean Anderson Lynch? A Yes sir, and Rose Whitmire.
Q All these people were living around there when July Martin came back? A Around in that neighborhood.
Q How long has July Martin lived in the Cherokee Nation since that time? A He has been here all the time as I know of. If he has been out I neverknowed it.

MR. HASTINGS: How old was he when he came back? A Well sir, I can't tell you just how old he was. He was small.
Q Was he born before the war or during the war? A He was born before the war. If I don't make a mistake now, I think he was born on old man Knight's place, with Bob Knight's father, and he was hiding up there, either born there or born at John Martin's, I am not quite sure.

Cher.F.D-348.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 23, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of JULY MARTIN, ET AL., as Cherokee Freedmen.

Appearances:
W. W. Hastings and L. B. Bell, Attorneys for Cherokee Nation.

Witnesses placed under the rule.

JULY MARTIN, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: State your name? A July Martin.
Q How old are you? A I guess I must be about forty-two, I reckon, or forty-three. I don't know for certain.
Q Were you born before the commencement of the war?
A Yes sir, that is what they said I was.
Q What is your post office? A Chelsea.
Q Who was your father? A Aaron Martin.
Q Give me the name of your mother? A Queen Martin.
Q Were you the slave of a Cherokee citizen at the commencement of the war? A Yes sir.
Q Who did you belong to ? A Belonged to John Martin.
Q He was a Cherokee citizen, was he? A Yes sir.
Q Were you taken out of the Cherokee Nation during the rebellion?
A Yes sir.
Q Where did you go? A Went to Kansas.
Q When did you come back? A They said it was in '66. Of course I don't know anything about when it was, I was too small to know anything about it when we came back. Father brought me back with him when he came.
Q You don't remember anything about it yourself? A No sir.
Q Where were you living when you first remember? A Was living on what they call the Carr. Hines place.
Q In what Nation? A Cherokee Nation.
Q Have you lived in the Cherokee Nation ever since you can remember
A Yes sir.
Q You applied for your life and your children, Queen, Carrie, Annie, Wesley and Betsy? A Yes sir.
Q Are they all still living? A Yes sir, they are all still living.
Q But your wife is dead? A Yes sir, she is dead.

AL. LYNCH, being first duly sworn, testified as follows on behalf of applicants:

BY COMMISSION: What is your name? A Al Lynch.
Q How old are you? A Sixty-three years old.
Q What is your post office ? A Vinita.
Q Do you know July Martin? A Yes sir.
Q Who was his father? A Aaron Martin.
Q Give me the name of his mother? A Queen Martin.
Q Did you know Aaron Martin before the war? A Yes sir.
Q Did you know Queen Martin before the war? A Yes sir.
Q Were they both slaves of Cherokee citizens? A Yes sir.
Q Was July Martin born in slavery? A Yes sir.

Q They came back in a wagon? A Yes sir, they came back in a wagon.
Q Do you remember whether it was July or August they came back?
A It was in October or July, I couldn't tell you exactly the month.
Q There is August and September now, in Between those two months?
A Somewheres along that time, it hadn't got cold weather yet.
Q Are they related to you in any way? A No sir, no relation of mine.
Q How far did they settle from you? A I was livingon that place there that George Clark had, it is about three miles and a half or four miles from where they went to settle. They moved into Dr. Thompson's house, and after they moved over there I left at old place, left the woman on the George Clark place, and went over there and stayed with them right in the house with them.
Q Where did July marry? A I don't know sir, about that.
Q Did he marry in that neighborhood down there? A No sir, out west somewheres, I don't know nothing about his marriage. I don't whether he has got a wife.

ANDY FRYE, being first duly sworn, testified as follows on behalf of applicants:

BY COMMISSION: What is your name? A Andy Frye.
Q What is your post office? A Charffee. ~~xxxxxxxxx~~.
Q Do you know July Martin who is an applicant for enrollment as a Cherokee freedman? A Yes sir.
Q When did hereturn to the Cherokee Nation after the war?
A In '65.
Q What time of the year? A It was in the fall, October.
Q Where did he come to? A Come over the river there, at Doctor Thompson's old place.
Q In what district? A Delaware.
Q Did you see him there at that time? A Yes sir, he came there when I did.
Q How long did he stay there at that time? A They staied until along in the spring.
Q The following spring? A yes sir.
Q Then where did he go? A Went down the river somewhere, down to the Hicks place, I think.
Q Is that in the Cherokee Nation? A Yes sir.
Q Where has he lived since that time? A I think he has lived mostly outwest about Pryor Creek somewhere.
Q Has he always lived in the Cherokee Nation since he got back after the war? A I neverknowed he went out.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 2[illegible]th day of October, 1903.

Charles N. Sawyer
Notary Public

ID. 348

IN RE
THE DEATH OF

Josephine R. Martin
a citizen of the

Cherokee Nation.

Approved ..... 190...

C. R. Breckinridge
Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 1903
CHAIRMAN.

SD 348

52 / 6

IN RE
THE DEATH OF

Josephine R. Martin

a citizen of the

Cherokee *Nation.*

Approved [illegible] *190*

C. R. Breckinridge.
Commissioner

RECEIVED IN THE DEPARTMENT
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR [illegible] 1903
CHAIRMAN

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Josephine R. Martin
(Here insert name of deceased)
a citizen of the Cherokee Nation, who formerly resided at or near
Chelsea
(Here insert name of post office)
, Ind. Ter., and died on the 25th day of
Nov 1901

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Julius Martin, on oath state that I am 44 years of age and a citizen by adoption of the Cherokee Nation; that my post office address is Chelsea, Ind. Ter., that I ~~am~~ was the husband of Josephine R. Martin, who was a citizen, by adoption, of the Cherokee Nation; and that said Josephine R. Martin died on the 25th day of Nov, 1901.

his
Julius X Martin
mark

WITNESSES TO MARK
Lewis Burgwardt
Edward L. Funk

Subscribed and sworn to before me this 31st day of March 1903

John Thomson
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Julius Martin, on oath state that I am 22 years of age, and a citizen, by adoption of the Cherokee Nation; that my post office address is Chelsea
(Here insert name of post office)
, Ind. Ter.; that I was personally acquainted with Josephine R. Martin
(Here insert name of deceased)
who was a citizen by adoption, of the Cherokee Nation; and that said Josephine R. Martin
(Here insert name of deceased)
, died on the 25th day of Nov, 1901.

his
Julius X Martin
mark

WITNESSES TO MARK
Lewis Burgwardt
Edward L. Funk

Subscribed and sworn to before me this 31st day of March 1903.

John Thomson
Notary Public.

Cherokee Freedmen D 348.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of July Martin for the enrollment of himself, his wife, Josephine R. Martin, and his minor children, Queen, Carrie, Annie, Wesley, and Betsy Martin, as Cherokee Freedmen.

-: D E C I S I O N :-

The record herein shows that on May 17, 1901, July Martin appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself, his wife, Josephine R. Martin, and his minor children, Queen, Carrie, Annie, Wesley and Betsy Martin, as Cherokee Freedmen. Further proceedings in the matter of said application were had at Vinita, Indian Territory, September 23, 1903. A copy of the testimony taken at Vinita, Indian Territory, May 10, 1901, in the case of Aaron Webber, et al., is made a part of the record herein.

The evidence shows that the principal applicant, July Martin, was the slave of a Cherokee citizen at the commencement of the rebellion; that he went to Kansas during the rebellion, but returned to the Cherokee Nation within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation. All the other applicants herein except Josephine R. Martin were born since 1866 and are the children of said July Martin.

The evidence further shows that July Martin has resided in the Cherokee Nation continuously since his return thereto as above mentioned and the residence of said minor applicants is considered to have been in the Cherokee Nation since their birth.

It further appears that Josephine R. Martin died November 25, 1901.

Section 25 of the Act of Congress, approved July 1, 1902 (32 Stats., 716), provides that,

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that July Martin, Queen Martin, Carrie Martin, Annie Martin, Wesley Martin and Betsy Martin should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered; and it is further ordered that the application for the enrollment of Josephine R. Martin as a Cherokee Freedman be and the same is hereby dismissed, under the provisions of law above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

W E Hanny
Commissioner.

Muskogee, Indian Territory,
this DEC 3 1904

JOR

Cherokee F-1425.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE,
Tahlequah, I. T., March 8, 1905.

In the matter of the application of July Martin, for herself and children, Queen, Carrie, Annie, Wesley and Betsy Martin. No. F-1425.

MARY WILLIAMS, being duly sworn and examined by the Commission, testified as follows:---

Q What is your name? A Mary Williams.
Q How old are you? A 27.
Q What is your post-office? A Vinita.
Q Are you a Cherokee Freedman? A Yes sir.
Q Do you know Queen Martin? A Yes sir, I knew her.
Q She's dead? A Yes sir.
Q Do you know when she died? A I don't know exactly when she died, sometime last Spring, I guess.
Q This Spring a year ago? A Yes sir.
Q Was she married before she died? A Yes sir.
Q To whom? A Joe Nolen.
Q Is he a citizen of the Cherokee Nation? A No sir.
Q Do you know when they were married? A I don't know just exactly when they were married, but it seems to me that they had been married about two years before she died.
Q By what circumstances do you fix the date of her marriage? How do you fix the date of her marriage, by memory or circumstances? A I was living right in the neighborhood when they married. She was staying with my mother at the time.
Q Where did you live then? A On Big Creek.
Q Do you know what month they were married? A No sir, I don't.
Q Do you know what season of the year it was? A It was in the Spring or Summer; it was warm weather.
Q Do you know what year? A No I dont, but it has just been two years from the time she died and she's been dead somewheres along about a year; I guess it was three years ago.
Q Is Joe Nolen a citizen of the Cherokee Nation? A No sir.
Q Did they live together until Queen died? A They was together when she died, and they lived together. He went to his mother's and he came back and they lived together until she died; I don't know whether they parted or not.
Q They never were divorced? A No sir.

WADE S. STANFIELD, being duly sworn and examined by the Commission, testified as follows:---

Q What is your name? A Wade S. Stanfield.
Q How old are you? A 37.
Q What is your post-office? A Vinita.

Q You are a United States citizen? A Yes sir.
Q Did you know Queen Smith? A Yes sir.
Q Are you informed that she died about March, 1904? A Yes sir; her father executed an affidavit to that effect in my presence.
Q She was married prior to her death was she? A Yes sir.
Q Do you know her husband's name? A Joe Nolen.
Q Do you know about the date of her marriage? A Yes sir, I know it by recollection, about the date.
Q What's your recollection? A The Summer of 1902.
Q Have you communicated this day, over the telephone, with the Clerk or Deputy Clerk of the United States Court at Vinita?
A Yes sir.
Q Did he state what his records show relative to the issuance of a license to her? A Yes sir.
Q What was the date of the issuance of her license? A The Clerk said to me that her license was issued and she was married July 14, 1902. That was Ed Davidson, the Deputy Clerk.

Joe Chambers, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony in this case, and that the above and foregoing is a true and complete copy of his stenographic notes.

Joe Chambers

Subscribed and sworn to before me this 9th day of March, 1905.

J. O. Rosson
Notary Public.

JC

32 F1425

IN RE
THE DEATH OF

Queen Nolen

a citizen of the

Cherokee Nation.

Approved MAR 10 1905 190

C. R. Breckinridge

Commissioner

RECEIVED
MAR 1 1905

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Queen Nolan, Nee Martin (Here insert name of deceased.) a citizen of the Cherokee Nation, who formerly resided at or near Ruby (Here insert name of post office), Ind. Ter., and died on the day of March 1904

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Nw. District.

I, Sam Webber, on oath state that I am 34 years of age and a citizen, by Freedman, of the Cherokee Nation; that my post office address is Hayden (Here insert name of post office) Ind. Ter.; that I am no relation (State relationship as the father, uncle, a consort, etc.) of Queen Nolan nee Martin (Here insert name of deceased) who was a citizen, by Freedman, of the Cherokee Nation; and that said Queen Nolan, Nee Martin (Here insert name of deceased) died on the day of March, 1904

WITNESSES TO MARK:

(Must be Two Witnesses) William W. Hastings

Squire Wood

Sam Webber

Subscribed and sworn to before me this 8" day of March 1905

Geo. E. Ford

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Squire Wood, on oath state that I am 52 years of age, and am not a citizen, by of the Nation; that my post office address is Centralia (Here insert name of post office) Ind. Ter.; that I was personally acquainted with Queen Nolan nee Martin (Here insert name of deceased) who was a citizen by Freedman, of the Cherokee Nation; and that said Queen Nolan, Nee Martin (Here insert name of deceased) died on the day of March 1904, I attended the Funeral when she was buried

Squire Wood

WITNESSES TO MARK:

(Must be Two Witnesses) Sam Webber

William W. Hastings

Subscribed and sworn to before me this 8" day of March 1905

Geo. E. Ford

Notary Public.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

r. July Martin,
Chelsea, I. T.
Cherokee A-D-348.
Registor.

Cherokee Freedmen
D-348.

Muskogee, Indian Territory, September 10, 1903.

July Martin,

Chelsea, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and family as Cherokee Freedmen, you are hereby advised that further testimony is required as to whether or not you were the slave of a Cherokee citizen at the commencement of the War of the Rebellion, and whether or not you returnedto and were residing in the Cherokee Nation on July 19, 1866, or within six months thereafter.

You are further advised that the Commission will be at Vinita, Indian Territory, on Wednesday, September 23, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

COPY.

Cherokee Freedman.
D-348.

Muskogee, Indian Territory, October 8, 1904.

Annie Martin,

Ruby, Indian Territory.

Dear madam:

The Commission is in receipt of your letter of October 6th, asking to be advised whether or not your name has been placed upon a straight card.

In reply you are advised that the Commission has not yet rendered a decision in the matter of the application for your enrollment as a Cherokee Freedman. When a decision has been prepared you will be furnished with a copy.

Respectfully,

Tams Bixby
Chairman.

COPY.

Cherokee Freedman.
D-348.

Muskogee, Indian Territory, October 8, 1904.

Carrie Martin,

Ruby, Indian Territory.

Dear madam:

The Commission is in receipt of your letter of October 6th, asking to be advised whether or not your name has been placed upon a straight card.

In reply you are advised that the Commission has not yet rendered a decision in the matter of the application for your enrollment as a Cherokee Freedman. When a decision has been prepared you will be furnished with a copy.

Respectfully,

Tams Bixby.
Chairman.

Cherokee Freedmen
D-348.

Muskogee, Indian Territory, December 3, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herein inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 3, 1904, on the application for the enrollment of Julia, Queen Carrie, Annie, Wesley and Rosa Martin, and dismissing the application for the enrollment of Josephine R. Martin, as Cherokee freedmen.

You are advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed the decision will be considered final.

Respectfully,

Chairman.

Inc. 3-29.

COPY.

Cherokee Freedmen
D-348.

Muskogee, Indian Territory, December 11, 1904.

Wade F. Stanfield,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 7, asking to be advised as to the status of the application for the enrollment of July, Annie and Carrie Martin as Cherokee freedmen.

In reply you are advised that the Commission's decision dated December 3, 1904, granting, among others, the application for the enrollment of said persons as Cherokee freedmen, was forwarded on that date to the attorneys for the Cherokee Nation for protest.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedman
D-348.

Muskogee, Indian Territory, December 29, 1904.

July Martin,

Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes dismissing the application for the enrollment of your wife, Josephine R. Martin, and granting the application for the enrollment of yourself and your minor children, Queen, Carrie, Annie, Wesley, and Betsy Martin, as Cherokee Freedmen.

You are advised that you will not be permitted to make allotment selections until your names have been placed upon a final schedule of Cherokee Freedmen and approved by the Secretary of the Interior, of which action you will be duly advised.

Respectfully,

Encl. L-13.

(SIGNED) Tams Bixby,
Chairman.

Cher Fr 1426

Trans. from Cher. Fr D757

Cher Fr 1426

(V 5 F 151

THE FIVE CIVILIZED TRIBES
FILED
JUN 20 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 18, 1901.

In the matter of the application of Henry Chambers for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Henry Chambers.
Q How old are you? A I was born about '67.
Q How old would that make you? A About 34.
Q What is your post-office address? A Bartlesville.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Descendant.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Well, so far-
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of the rolls? A On the Wallace roll.
Q What is your father's name? A Charley Chambers.
Q Is he living? A Yes sir.
Q Your mother's name? A Katie Coody, or Blackwell.
Q You claim your citizenship through your father or mother, or both? A Both of them.
Q Has your father been enrolled? A Yes sir.
Q Are you married? A Yes sir.
Q You apply for anybody but yourself? A Just myself, my wife is already enrolled.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined and applicant not found;
Kern-Clifton pay roll of citizens of the Cherokee nation examined and applicant not found thereon.

Q Did you draw what is known as Strip money? A I drawed 15.50 is all I ever drawed.

Wallace roll of citizens of the Cherokee nation examined and applicant identified on
page 173 #3226 Henry Chambers, Cooweescoowee District.

Q Where were you born? A I don't know exactly where I was born.
Q Where have you lived all of your life? A Here ever since I can recollect, in the Cherokee Nation.

KATIE BLACKWELL, being sworn by Com'r Needles, testified:

BY CHEROKEE REP'VE W.W. HASTINGS:
Q What is your name? A Katie Blackwell.
Q How old are you? A I don't know my age.
Q Are you this boy's mother? A Yes sir.
Q Was he born in the Choctaw Nation? A Yes sir.
BY COM'R NEEDLES:
Q You are along 50 or 60 years old? A Yes sir, I guess so, I do not know my age at all.
Q Where was Dan Thompson born? A At Webbers Falls.

APPLICANT, HENRY CHAMBERS, recalled and further examined;

BY MR. HASTINGS:
Q Where were you living when you were first old enough to remember?
A At Tahlequah, when I can first remember.
Q What part of Tahlequah? A It was on the Illinois River.
Q On whose place? A I believe we was living on, I couldn't think, somewhere there in Tahlequah.

Q How long did you live there? A I lived there about two or three years I guess.
Q Where did you go then? A Moved up here on Salt Creek, what's called Lightning Creek.
Q How long did you live there? A I have been living there ever since I was very near grown.
Q Where did you marry? A Out here at Bartlesville.
Q When? A About 10 years ago.
Q Where have you lived since you were married? A I have been living here on Overcup bottom on Verdigris. And lived out here where I am livingnow, near Bartlesville.

KATIE ~~XXXX~~ BLACKWELL, re-called, and further examined;

BY MR. HASTINGS:
Q Were you and Charley Chambers ever married? A No sir, we wasn't married, sir; we was none ofus married time of the war.
Q You were living with Charley Chambers at the time this child was born? A No sir, he had done quit me.
Q How long before this child was born before he quit you? A It was not so very long before the child was born when Charley quit me.
Q He had another wife at that time didn't he? A Not as I knows of.
Q What time of the year was this ~~xxx xxx~~ young man the applicant born? A Well mister, I don't know what time, I don't know what time it were, because I can't keep no dates nornothing, of the kind; I am uneducated and I don't know.
Q Near what town in the Choctaw Nation did you live?A I wasn't livingin no town.
Q On whose place was you living? A I was living at a man's they called Captain Jackson's.
Q What town was the nearest to that, what was the town you traded at?A There was no town, as I can tell you, and I am telling you the truth, there was no town where we were.
Q None any ways near you? A No sir, not as I knows of, Mister Hastings.
Q Well don't get excited? A I am not excited.
Q I want you to tell me the facts? A Well I am telling you the facts.
Q Were you living on a stream? A Yes sir, we were living on a stream. I guess we wasliving on a stream, we were about five miles this side of Red river, but to tell you about a town, there was no town near us as I know anything about,any town.
Q How old was this boy when you moved from down there? A Just a small boy.
Q Well about how old? A I don't know exactly how old this child was.
Q Well, three or four, or two years old? A Oh he was some three or four years old I guess.
Q He was born after the war? A No, he was born along up in the war, he was born up in the war.

BY COM'R NEEDLES:
Q The applicant here, Henry Chambers, is your child, is he? A Yes sir, this is my child.
Q Born in the Choctaw Nation? A Yes sir.
Q During the war? A Yes sir.
Q That was while you were refugeeing down there? A Yes sir.
Q You call him Henry Chambers? A Call him Henry Chambers.

Com'r Needles: Henry Chambers applies for the enrollment of himself; he is not identified upon the authenticated roll of 1880 or the census roll of 1896, or the Kern-Clifton roll, but is identified upon the Wallace roll, according to page and

Henry Chambers 3

number of the roll as indicated in the testimony; he avers that he is a son of Katie Coody, now Katie Blackwell, and said Katie Blackwell has been listed for enrollment as a Cherokee Freedman on doubtful card 327, and the testimony taken in said case will be made a part of the testimony in the case now under consideration, and a copy thereof will be filed herewith; and said Henry ~~Black~~ Chambers will be listed for enrollment as a Cherokee freedman on a doubtful card; he will be duly notified of the action of the commission at his post-office address when arrived at.

M.D. GREEN, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 26, 1901.

Commissioner.

B JE 157

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 18 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 18, 1901

Post Office Bartlesville I.T.

District

1. Name Henry Chambers Age 34

Owner's name Citizenship

Year Wallace Page 173 No. 3226 District

Parents:

Father Chas. Chambers - living Citizenship

Mother Katie Blackwell - living Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

		Year	Page	No.	Dist.
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12					

Application made by Stenographer

Commandatore.

Roma, 12 agosto 1917.

Ho ricevuto la copia della lettera di codesto Ufficio del 10 corrente, con la quale, in relazione alla domanda di sussidio per la famiglia del soldato Giuseppe Ferrari, si chiede che il Comando della Piazza di Roma, dopo aver fatto le opportune indagini, dia il proprio parere sulla condotta morale e politica del predetto militare.

Al riguardo, mi pregio di comunicare che, dopo aver fatto le opportune indagini, il Comando della Piazza di Roma ha dichiarato che il Ferrari è di buona condotta morale e politica.

Il Generale di Brigata
Comandante della Piazza
(Ferrero)

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
AUG 16 19

File with Cherokee Freedmen, D. 757, Henry Chambers

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16, 1901.

In the matter of the application of Katie Blackwell for the enrollment of herself, one son, one niece and a nephew as Cherokee Freedmen; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Katie (Goody) Blackwell.
Q How old are you? A I don't know my age, somewhere about 58 years old, I guess.
Q What is your postoffice address? A Nowata.
Q What district do you livein? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A No sir.
Q Is your name on any of the Cherokee rolls? A On the Wallace and Clifton Roll.
Q Who do you want to enroll besides yourself? A Igot six children
Q Give me the names of your children? A Henry Chambers.
Q How old is he? A About 26.
Commissioner: He must apply for himself.
Q Have you any under age? A I have two under age.
Q What are their names? A Gertie Tinnon.
Q How old is she? A About 16.
Q What is your other child's name? A Thomas Ross.
Q How old is Thomas Ross? A About 18.
Q Are you married? A Yes, sir.
Q What is your name? A Katie Goody.
Q What is your husband's name? A I got my papers here. My firs' husband is dead, Lucius Blunt.
Q You were married at one time to Lucius Blunt? A Yes sir.
Q Is he living? A No sir.
Q Was that your first husband? A Yes sir.
Q Who was your second husband? A John Blackwell.
Q Is he living? A Yes sir.
Q Did you separate from him? A No sir, I am living with him now.
Q How does your name happen to be Goody? A I married a Goody; I married Lewis Goody, some called him Lewis Blunt, but his name is Lewis Goody.
Q Have you been married twice? A Yes sir, I have been married three times.
Q Who was your first husband? A Thompson.
Q He is not living? A No sir.
Q Your second husband was Blackwell? A My husband now is Blackwell.
Q Is your name Blackwell now in place of Goody? A Yes sir, Blackwell.
Q You first married Blunt? A Yes sir.
Q He is dead? A Yes sir.
Q Who did you marry next? A Blackwell.
Q Your second husband was named Thompson, wasn't it? A Yes sir.
Q Is he living? A Yes sir.
Q Did you get a divorce from him? A No sir.

Applicant presents a certificate of marriage certifying that she married one John Blackwell according to the laws of the United States on the 6th day of February, 1899.

Q What did you marry Blackwell for before you got a diverse from Thompson? A I don't know, Mr. Thompson was divorced, I guess he married again.
Q Is Gertie Tinnon your child? A That is my niece.
Q Have you any children of your own? A No sir, none but a boy.
Q What is his name? A Thomas Ross.

Q Is he your child? A Yes sir.
Q You are the mother of Thomas Ross, are you? A Yes sir.
Q How about this Gertie Tinnon, you say she is your niece?
A Yes sir.
Q What is her mother's name? A Dicey Tinnon.
Q Is she living? A No sir, she is dead.
Q What relation is Dicey Tinnon to you? A My sister.
Q Were you a slave during the war? A Yes sir.
Q Who did you belong to? A Mary and Tom Sanders.
Q Were they citizens? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war?
A Yes sir.
Q Where to? A Choctaw Nation.
Q You are not taken any farther South than in the Choctaw Nation?
A No sir.
Q When did you come back? A I come back in '66; I come to Gibson.
Q You came to the Cherokee Nation in '66? A Yes sir.
Q You have lived in the Cherokee Nation ever since '66? A Yes sir.
Q Never went back to the Choctaw Nation? A I went back to the Choctaw Nation and come again.
Q When did you go back to the Choctaw Nation? A I went back after '66, come to Webbers Falls in '66.
Q When did you come back from the Choctaw Nation the second time?
A Come back - I forget.
Q How long did you live down in the Choctaw Nation after we went back? A I lived there six years after I first come here.
Q And then come back here? A Yes sir.
Q Did you marry down there? A Yes sir.
Q Did you marry a Choctaw? A Yes sir, married a Choctaw.
Q What was his name? A Albert Thompson.
Q Albert Thompson was a Choctaw then? A Yes sir.
Q Have you ever applied to be enrolled by the Choctaws? A No sir.
Q Have you got any children by Thompson? A Yes sir.
Q They are grown, are they? A Yes sir.
Q Where was Thomas Ross born? A Over here on Panther Creek.
Q Where was Gertie Tinnon born? A On Panther Creek.
Q Both in the Cherokee Nation? A Yes sir.
Q Your sister Dicey is dead? A Yes sir.
Q Did she belong to the same persons that you did? A She belonged to the same persons I did.
Q Did she go out with you to the Choctaw Nation? A Yes sir.
Q Did she come back with you? A Yes sir.
Q But she lived in the Choctaw Nation until she died? A No sir, she died here.
Q Did she come back to the Cherokee Nation with you A Yes sir.
Q And she lived in the Cherokee Nation then until she died?
A Yes sir.
Q Have you got any proof, any witnesses? A Yes sir.
Q Who are they? A Charles Chambers and Jim Alberty.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicant and her deceased daughter are not found thereon.

The Kerns Clifton Roll examined and the name of the applicant is found on page 162, No. 4013, Katie Coody, Coowescoowee District.

Q Did you draw money for Gertie and Tom? A Yes sir, the last payment.

The Kerns Clifton Roll examined and the name of Gertie Tinnon is found on page 171, No. 4214, in Coowescoowee Dist.

Q What is the name of the child, you have another you want to enroll? A Lunnie Tinnon.
Q How old is Lunnie Tinnon? A About 12 years old.

The Kern-Clifton Roll examined for Lunnie Tinnon and his

name is found on page 171, No. 4213, in Cooweescoowee District.

Q Where does Lunnie live? A He lives in Sequoyah District with my sister. My sister is dead and my brother-in-law has got him, Mr. Johnson Vann.

Q Want he enroll him? A No sir, he aint been here to enroll him.

The Kerns Clifton Roll examined and the name of the applicant's son is found on page 171, No. 4807, Tom Ross, Cooweescoowee District.

Q You had a husband named Ross? A No sir, I had a child named Ross.

L. B. Bell: You say Lunnie lives in Sequoyah? A Yes sir, where Johnson Vann lives.

Q What authority have you got to put him on? A I thought I would put him on; my sister is dead. My sister died down here at Brushy.

Q Are you guardian for him - we don't want two put on? (No answer).

Q Where was this child born at? A Born right over on Panther Creek they were all born over there.

Q How long has his mother been dead? A I reckon she has been ddad about five years if I aint mistaken.

Q Is she on the roll of 1880? A No sir.

Q Are you on the roll of 1880? A No sir.

Q When was this Lunnie born? A I don't know exactly.

Q Where was it? A Over here on Panther Creek, right across south of Lighthing Creek.

Q In Cooweescoowee District? A Yes sir. My sister died after the Wallace Payment.

Q You married in the Choctaw Nation after you went back in 1866?

A Yes sir.

Q How long did you stay here after you came here in '66? A About one year.

Q You are certain that you didn't live there about six years? A I went back and stayed about six years.

Q Where did you land at in the Cherokee Nation when you came back?

A I came to Webbers Falls and when I last returned I come to Webbers Falls and then to Gibson.

Q The first time you came to Webbers Falls? A Yes sir, and then to Gibson.

Q Did you stop at Webbers Falls any length of time? A No sir.

Q When you say you came to Gibson, did you stop there any length of time? A When I come, I come to Webbers Falls; I come from Webbers Falls to Gibson, and then I went to the Choctaw Nation.

Q After you came back from the Choctaw Nation? A I came to Gibson and then up to Tahlequah.

Q How long did you stay at Tahlequah? A I stayed at Tahlequah about six or seven years.

Q Who did you live by there? A There was a lot of folks there.

Q Name some one that aint dead? A Miss Barnes.

Q Aint she dead? A I don't know.

Q Name a live one? A I don't know; Packs was here and Thompson.

Q These Packs were there then? A Yes sir.

Q Did you live right in Tahlequah? A I went up on Henry Nave's place and from there to Susanna Ross' place.

Q You stayed at Henry Nave's place the first time after you came back from the Choctaw Nation? A Yes sir.

Q These Packs knew you? A Yes sir.

Q You came directly to Gibson from the Choctaw Nation and on to Tahlequah? A Yes sir, when I first come inside of the limits.

Q Leave that out, and go to where you started from the Choctaw Nation the second time? A I came through to Webbers Falls and stayed one year at Gibson.

Q You said you came to Webbers Falls, stayed a year, come to Gibson and stayed a year and then went back to the Choctaw Nation? A I did I mind it up. I said I come to Webbers Falls and from Webbers Falls to Gibson and stayed there one year, and then went back to

the Choctaw Nation.
Q Begin now, you stayed in the Choctaw Nation six years, and then you started back here - where did you come to on the second trip?
A I come to Gibson and from Gibson to Tahlequah.
Q You come through Gibson and went on to Tahlequah? A Yes sir.
Q Then you stopped and stayed on Henry Neave's place one year?
A Yes, sir, one year.

CHARLEY CHAMBERS, being sworn and examined by Commissioner Meadlos, testified as follows:
Q What is your name? A Charley Chambers.
Q How old are you? A Seventy years old.
Q What is your postoffice? A Hudson.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Is your name on the roll of 1880? A Yes sir.
Q Do you know the applicant here, Katie Blackwell? A Yes sir.
Q How long have you known her? A I have been knowing her ever since the war commenced.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A She belonged to James Sanders.
Q Do you know whether she was taken out of the Cherokee Nation during the war? A She wasn't taken out that I know of; yes, she was out of the nation.
Q Where did she go to? A To the Choctaw Nation.
Q Do you know when she came back to the Cherokee Nation? A She come back, the first I saw of her along in '66.
Q You saw her in '66? A Yes sir.
Q Where? A I saw her at Gibson the first time.
Q Have you seen her occasionally since that time? A I seen her then again at Tahlequah.
Q After that? A Yes sir.
Q Where did you see her after that? A I never seen her no more after that. I never seen her anymore until she come back again.
Q She went to the Choctaw Nation? A She went back to the Choctaw Nation and I never seen her until she come back again.
Q How long, five or six years? A Yes sir, as much as five or six years.
Q Have you seen her occasionally since that time? A Yes sir.
Q She has lived in the Cherokee Nation since that time? A Yes sir.
Q Do you know her children? A I know them when I see them; I just can't name them all.
Q Do you know Gertie Tinnon? A I know her, yes, sir, when I see her
Q Do you know the boy, Lunnie? A Yes, sir.
Q Is he living? A Yes, sir, he was living with her when I first knew him.
Q You don't know whether he is alive to-day or not? A No sir, I don't.

L. B. Bell What time in the year 1866, did you see this applicant?
A It was along in the spring when I seen her.
Q That's along in April or May? A Somewhere along there; I couldn't tell you the month, anyhow the grass and leaves were out.
Q What were you doing in Gibson then? A I was riding around.
Q Just riding around? A Riding around, sir.

L. B. Bell of Applicant: Who brought you back to Webbers Falls?
A I come back myself, me and my mother.
Q Nobody in your crowd? A No sir.
Q Where did you start from when you started back to Webbers Falls?
A I started back home.
Q Where did you start from? A From the Choctaw Nation.
Q The Choctaw Nation is a good big place? A From Salt Creek.
Q Old Dave Thompson's Salt Creek? A Yes sir.
Q Close to Boggie Depot? A Yes sir.

Q. What time of the year did you start from there in 1830?
A [illegible] in the morning.
Q [illegible] way up? A Yes sir.
Q [illegible] by wagon.
Q [illegible] you on the road? A Well, I don't know, sir, how long [illegible]
Q [illegible] was, I [illegible] hundred miles or two? A I guess it
Q [illegible] from here to the Choctaw Nation, don't [illegible] down to Webbers Falls? A I
Q [illegible] on the way? A Yes, and maybe
Q [illegible] stop at Webbers Falls? A We didn't stop very long [illegible]
Q [illegible] stayed one week or two.
Q [illegible] on through? A Yes sir, came right on through.
A [illegible] Your first husband's name was Thompson?
Q [illegible] Flint? A Yes sir.
Q [illegible] Blackwell? A Yes sir.
Q What was your father's name? A His name was, as good as I can recollect, [illegible] Fox.
Q Do you know what your mother's name was? A Martha Downing.
Q Who did you say you belonged to? A Mary Sanders and Tom Sanders.
L. B. Bell: Are they both dead? A My master is dead. I don't know whether [illegible] is dead or not.

JIM ALBERTY, being sworn and examined by Commissioner A. B. Needles, testified as follows:

Q What is your name? A Jim Alberty.
Q How old are you? A 70 years old.
Q What is your postoffice? A Chouteau.
Q Are you a Freedman? A Yes sir.
Q Your name is not on the roll of 1880, is it? A No sir.
Q Do you know the applicant here, Katie Doody or Katie Blackwell?
A Katie Doody, yes sir.
Q Was she a slave before the war? A Yes sir.
Q Who did she belong to? A To the Sanders.
Q Do you know whether she was taken out of the Cherokee Nation or not during the war? A Yes sir.
Q Where to? A She went South.
Q To the Choctaw Nation? A Yes sir.
Q Do you know when she returned? A Yes sir.
Q When? A In '66.
Q How do you know that? A I saw her at Gibson in '66.
Q Do you know how long she stayed in the Cherokee Nation at that time? A No sir.
Q You don't know whether she went back to the Choctaw Nation or not? A No sir.
Q But you saw her in '66 in the Cherokee Nation? A Yes sir.
Q Did you know her then? A Yes sir.
L. B. Bell: What time in the year of '66 did you see her? A It was kind of warm weather. I don't know exactly what time.
Q Was it summer or spring? A I think it was summer. It was warm.
Q Were you living then at Gibson? A No sir, I never lived at Gibson; never was there but three days at a time in my life.
Q You just happened to be there that day? A Yes sir, I used to go there pretty often.
Q Did you see her there pretty frequently for the next two or three years? A No sir.
Q Did you see her anymore? A No sir.
Q You saw her at that time? A Yes sir.
Q Where did Sanders live when she belonged to? A They lived close to Flint at that time, I reckon it is.
Commissioner Needles: In Flint District you mean, do you?
A Yes, sir, I thought it was Flint.
L. B. Bell: Have you ever at the house? A Yes sir, I have been

at the house; that is not right at their house, I met them at a church.
Q Name someone in that neighborhood? A I wasn't acquainted there.
Q You seemed to be, you knew this woman pretty well? A They were raised with me. Sander's aint the first people that raised them.
Q They were raised on a place with you? A Not here, but older people.
Q I am asking you what you know about her? A I told you what I know about her.
Q You don't know where she did live, only that she lived in the nation? A That is all. I never was at her house.
Q You never seen her until you met her in '66? A Yes sir, I saw her before.
Q Where did you see her before? A On Peavine Creek near the Whitmire place.
Q That was a creek down in Goingsnake district, wasn't it?
A I don't know where it was.
Q What did you understand by Peavine? A That is what they called it, the Creek, Peavine.
Q Was you ever down on Peavine? A Yes sir.
Q When? A Before the war, I come from there.
Commissioner Needles: You say Sanders' lived in Flint District?
A I did't know exactly; it was down in that way.
Q You are not positive whether it was Flint District or not?
A No sir.

Commissioner of Applicant: You know that these three children, Gertie Tinnon, Lunnie Tinnon, and Thomas Ross are alive now are they?
A Yes sir, I brought the little girl with me.
Q Where is your boy? A He is in jail.
Q Who is Lunnie living with? A He is living with Johnson Vann.

Katie Blackwell applies for the enrollment of herself, her sister's children, Gertie Tinnon and Lunnie Tinnon, and her child, Thomas Ross. She avers that she was a slave of the Sanders family, Mary and Tom Sanders. She avers that she was taken out of the Cherokee Nation into the Choctaw Nation, and returned in '66. Her name is not found upon the authenticated roll of 1880, nor the census roll of 1896. Her name is found upon the Kerns Clifton Roll, and the name of the three children, Gertie Tinnon, Lunnie Tinnon and Thomas Ross, are found upon the Kerns Clifton Roll. She avers that she has been married three times; first, to Thompson; second, to one Blunt or Goody, and thirdly, to her present husband, John Blackwell. She is duly identified according to page and number of the roll as indicated in the testimony, and makes satisfactory proof as to residence. By reason of the fact that her name is not found upon the authenticated roll, and of the protest of the Cherokee Nation, she and the children as enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card awaiting further consideration of the Commission. When the Commission arrives at a decision in her case, she will be notified of the same by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed, E. C. Rothenberger.

Subscribed and sworn to before me this 20th day of May, 1901.

Signed, C. R. Breckinridge,
Commissioner.

* * * * * * * * * * * * * * * *

Bruce C. Jones, being duly sworn, says that as stenographer to

the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 13th of August, 1901.

Commissioner.

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COMMISSION TO THE FIVE CIVILIZED TRIBES
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File with Cherokee Freedman, D-757, Henry Chambers.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 21, 1901.

In the matter of the application of Katie Blackwell et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for applicants:
W. W. Hastings, of counsel for Cherokee Nation.

HENRY BEAN, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Henry Bean.

Q What is your age? A About 50, somewhere along about 50.

Q Where were you born? A Born in Missouri, I reckon, I came from Missouri, I don't know exactly where I was born.

Q Where did you go during the war? A Went to Texas.

Q Were you in Texas at the close of the war? A Yes, sir.

Q Where were you for the first two or three years after the war?

A I was there on the frontier and around about in Texas and there.

Q Well, about how long after the war was it before you left Texas?

A Well I reckon it was somewhere along four or five years, about five years I reckon, somewhere along there, I never kept no count of the time, I just suppose about that time.

Q That is your best judgment? A Yes, sir, might have been longer.

Q Where did you go to when you first left the State of Texas? A When I first left there I went to the Choctaw Nation and then I went to the Chickasaw Nation.

Q Do you know Katie Blackwell, or Katie Coody? A Well, I don't know them by that name.

Q Well, did you know Katie Thompson? A Yes, sir, I know Katie Thompson.

Q Did she have a sister? A Yes, sir.

Q What was her sister's name? A She had one named Dicey.

Q Did you know Katie's mother? A Yes, sir.

Q And what was her name? A Her name was Martha.

Q Did Martha have any other children besides Katie and Dicey?

A Yes, sir.

Q What was their names? A One boy by the name of Charley Blagburne.

Q You testified in his case the other day? A Yes, sir; and had a girl by the name of Tempie.

Q Well, was this Katie married when you first knew her? A Yes, sir.

Q What was her husband's name then? A Albert Thompson.

Q What was Albert Thompson, was he a freedman? A Yes, sir, Choctaw Freedman.

Q Did you ever know of her having anybody else as her husband since that time? A No, sir, to any know it, I don't know it.

Q Did you ever know of her going by any other name since that time? A Yes, sir, they had another name but then I don't remember it, I don't know who her husband was, I know she was married up here about Lightning Creek here somewhere but I forgot her husband's name.

Q Who was Dicey married to, or was she married at all when you knew her first? A Yes, sir, she was married.

Q What was her husband's name? A Morris Sorrell.

Q Did she have any children when you knew her first? A Yes, sir, I think she had children, I am a little short of remembrance about that, about how many children she had, whether she had one or two, I know she had one but I don't know whether she had these two when I first

Knew her or not, I have forgot.

Q Now when did you know Katie and Dicey and her mother first?

A Well, we were on a little creek they called Sandy.

Q In what Nation or State? A In the Choctaw Nation, near Cherokee Town, about eight miles below Cherokee Town on the Washita River, close to the Washita River, between Cherokee Town and old Fort Arbuckle, it was about the same distance I reckon from that.

Q About the same distance from Cherokee Town and Fort Arbuckle?

A Yes, sir, just about the same distance between them, it wasn't just on the Arbuckle road.

Q When was it you knew them first, how long had you been over there? A Well sir, I can't tell you, I had been there though, I think though about four years, but just the time I can't tell you the day or the time.

Q Well where, about four years? A It was in the Chickasaw Nation.

Q Well when did you leave the Chickasaw Nawion? A I left the Chickasaw Nation in about '74 I guess.

Q Where did you go to? A Came to Tahlequah.

Q Who came with you to Tahlequah? A These people. .

Q Just go ahead, I want you to specify them? A Martha Thompson, that was Sid's wife, and Charley Blagburne.

Q Who was Charley, what relation was he to Martha? A Charley Blagburne was Martha's son.

Q Give all of Martha's children that was along that you can remember? A Well, there was Katie Thompson and Dicey Sorrell and Tempie Thomas and Nan Hailstock, and Mary Ann, that was her youngest child.

Q Was Tempie married? A Yes, sir.

Q Who was she married to? A Charley Thomas.

Q Well, where was Charley and his wife living when you first knew her? A They were living there on that Sandy road about half a milo or three quarters from the old lady, from her mother.

Q Did Tempie come up with you? A Yes, sir, I brought her in my wagon, she is the one I hauled up here.

Q How many wagons did you have along in that crowd? A Three.

Q Now all these people you have mentioned you brought up, did you?

A I brought up Dicey and Tempie in my wagon.

Q Well, these others that you mention came along in the same crowd?

A Yes, sir, they were all the same.

Q Through what district did you come? A Well now I can't tell you.

Q I mean up in this country, I don't mean below? A Well we came through Fort Gibson.

Q How long did you stop here? A I didn't stop here but a few minutes, just stopped there in town and drove on through.

Q Did they say anything about having been here before? A No, sir, never said anything to me about it.

Q Made no mention about it? A No, sir.

Q You went on to Tahlequah? A Yes, sir, I went on out to Mr. Dennis' out here and left the Sorrell family, it was on the Four Mile Branch to Mr. Dennis'.

Q Was Katie married when you first knew her? A Yes, sir.

Q Was Dicey? A Yes, sir.

Q Were they keeping house down there or not; what were they doing?

A Well, when I first knew them they were not keeping house, they were in the house with the old lady, but they did keep house shortly after that.

Q What were they doing for a living down there? A Well, Sorrell was a barbering around and sometimes he would farm around a little.

Q What was Thompson, Katie's husband? A Well, he was just working around for wages, and making a little patch.

Q What was Martha's husband, Sidney? A He was farming, had a little place of his own there.

Q Was Tempie married when you first knew her? A Yes, sir.

Q Did any of these people marry after you became acquainted with them down there? A Charley Blagburne I think married down there.

Q Do you remember how many children Katie had when she came up with you? A Let's see, I will have to count them up a little and see if I know, there was Jess and Henry and a girl they called, her nick name was Dude, I forget what her right name was, but they called her Dude, and a little boy named Dan, I believe that is all she had.

Q Well, do you remember whether Dicey had any children when she came up? A She had one or two, I know she had children, I think two children but it kinder seems to me like one of the children was born here, but I wont be certain about it.

Q Well did Tempie Thomas have any children? A Yes, sir, she had two children.

Q I mean when you came up here? A Yes, sir, I think she had two when we came up here, a girl died, the one she brought here.

Q Do you remember their names? A The boy, Will was his name.

Q Did you mention one of them by the name of Nancy a while ago, one of Martha's children? A Yes, sir, Nan.

Q Was she married? A Yes, sir, Hailstock.

Q Did she come with you? A Yes, sir.

Q Did she have any children? A Yes, sir.

Q What was their names, do you remember? A I think one of them was named Mat, I have mighty nigh forgot them children's names, Mat and Martha, seems like one was named Martha, I think Martha is dead though, there isn't but one of the girls living that she brought here.

Q Why do you fix the date of '74 as the date of your coming out with these people? A Well, the reason why that, I was taking the figures in this way: when we come it was the year, we came the fall before the first ten dollars, that bread money was paid out, and that was paid out in '75 that was.

Q And you came the fall before that payment? A And we came the fall before that payment and that is why I have give it about in '74, about the time them additions was put up at the seminary.

Q How far did these people live apart in the Choctaw Nation?

A The families?

Q Yes? A Well they lived, Tempie lived about between half a mile and three quarters from their mother.

Q Was they all in the same neighborhood? A Yes, sir, all right in the same neighborhood.

Q Did you know Jim Ross down there? A Yes, sir.

Q Was he there when you first went over? A I don't know sir whether he was or not.

Q What other people lived around in that neighborhood, any Chickasaws or freedmen, people living there? A Yes, sir, Zach Gardinet and old lady Howell, I don't know her name, and she had a son by the name of John Howell, and then she had a son was a doctor, they all called him Doctor Howell, I don't know what hisname was only Doctor Howell, and they was about the closest around: the others was Chickasaws, had Chickasaw names, Nelson Chigley and several others: there was another man lives right close there but I don't remember his name, I was well acquainted with him too but I have forgot him.

Q Now about how long did you say you knew these people there before you moved out with them? A About four years.

Mr. Mellette: How old are you? A About 50 I guess.

Q Are you a freedman citizen of the Cherokee Nation? A No, sir, I am not.

Q You claim to be? A No, sir.

Q Where does this woman live now you have been talking about?

A Which one?

Q Katie Blackwell? A I don't know, sir, she lives somewhere out

on the —

Q How long since you have seen her? A I haven't seen her for about eight or ten years I reckon.

Q How long has it been since you came here with her, how many years? A Why I don't know just how many years, that is something I don't keep the date, I came here in about '74.

Q Well now you figure it out how many years you have been here, you say it was '74 when you came here, how many years has it been?

A I can't tell you, without I sit down and it take me I don't know how long to count it.

Q How do you know it was '74 you came here? A Reason I know it, I am going by the time that that money was paid out, I came the fall before that ten dollars was paid out.

Q How do you know that money was paid out in '74? A Well I am giving the time.

Q How do you know that money was paid out in '74? A Well I don't know it.

Q What year did you go to Texas in? A I don't know that.

Q Where do you live? A I live at Tahlequah.

Q How long have you lived there? A Lived there about something over 26 years or maybe longer, I have lived there ever since I came to the country.

Q Right in Tahlequah? A Right around Tahlequah.

Q Why can't you tell what year you went to Texas? A Why I was a boy, a little fellow, I don't know anything about it, I was carried there by my owners.

Q What year did you go into the Chickasaw Nation from Texas?

A I don't know, sir.

Q Can't you give an idea? A No, sir, I can't.

Q How is it then that you remember the year you came to this country and don't remember anything else or any other year? A Well sir, I don't know, I don't remember that only by the time, I got the count of the time that I came here, what was done, and figured it up from that time.

Q Now look here, you don't know anything about the payment in 1875, you don't remember that any payment took place in '75 do you? A Yes sir I do.

Q Do you remember the year? A I remember the payment.

Q Do you remember it was in '75? A Well I am just going by the time, according to the time I got here.

Q How do you know that any payment took place in 1875 here? A Well they paid ten dollars here.

Q How do you know it was '75? A It was the spring after I came here in the fall.

Q Well what year did you come here? A Well we must have come here in '74.

Q Why? A Because the money was paid out the next spring.

Q Well what year was that money paid out? A In '75.

Q How do you know? A Just because I know when I come here.

Q How do you know that that money was paid out in '75; answer that question; now answer it straight? A Simply because I was here when it was paid out.

Q Will you answer my question, how do you know it was 1875? A Well sir, I will tell you as near as I can come at it, the time that they put up that seminary out there, I am going according to the time that there is people that figured up the time.

Q Who figured up the time for you? A Well I don't know as anybody has figured it up for me, only I am going by the year what the people counted that this seminary was put up, in 1875, just the people at large; now that is the way I get at it.

Q You are testifying from what the people at large said about the date? A Yes, sir, that is the way it is.

Q Well, do you know that the woman you have been talking about here, Katie, is the woman who has applied here for citizenship? A If

it is Katie Thompson it is.

Q If it is Katie Thompson it is? A Yes, sir, the mother of Henry and Jessie and these other children.

Q Who else was she the mother of? A Dude and I believe that is all.

Q Now give the names of Katie's children, all you know? A Well Jessie and Henry and Dude and Dan, Dude was a nick-name I think, I don't know, the child might have had some other name, but that is the mother of them children.

Q Do you know these two women here (indicating Lucinda Blackwell and Ann Williams)? A No, sir.

Q Ever see them? A If I did I don't know it.

Q Don't you know they were children of Katie Blackwell, the applicant here? A No, sir, I don't know it.

Q Did they come from Texas with you when you say you came here with this woman Katie? A I don't know whether they did or not.

Q Well you ought to know it?

Mr. Hastings: You needn't argue the point.

Q I will ask you if they came with you from Texas, with Katie Blackwell, when you say you came with them? A I don't know whether they did or not.

Q Look at them? A Well it has been ten years since I have seen them.

Q You have seen the family of Katie Blackwell within ten years?

A I have seen her, I haven't seen her whole family, her children, more than Henry and Jessie, I have seen them.

Q How old is Henry? A I don't know, sir.

Q How old is Jesse? A I don't know how old he is.

Q Did Katie have a child by the name of James? A No, sir, not as I know of.

Q James Ross? A Not as I know of.

Q You say that Katie Blackwell has a sister by the name of Divey?

A Yes, sir.

Q What other name did she have besides Dicey? A Dicey Sorrells.

Q Did they ever call her Dicey Tinnon? A I don't know, she might have got that Tinnon name after she came here.

Q I ask you if she was ever called Dicey Tinnon? A I don't know.

Q You never knew of her being called Dicey Tinnon? A They might have, that might have been her name.

Q Did you ever know of her being called Dicey Tinnon? A Yes, sir.

Q What do you mean by testifying that way; didn't you say just no that she might have been called that, that she might have married some Man by the name of Tinnon? A Yes, sir, I said that.

Q And now you swear you don't know she was called Dicey Tinnon?

A Why I do.

Q When was she called Dicey Tinnon? A I have heard of her being called Dicey Tinnon the last time I was up on Big Creek, that Dicey Tinnon was it.

Q Why didn't you tell Mr. Hastings she was called Dicey Tinnon?

A I didn't know her by that name at that time.

Q You don't know now whether she was ever called Dicey Tinnon?

A I have heard she was.

Q Who told you? A Charley Blagburne, that is her brother.

Q Charley Blagburne? A Yes, sir.

Q You are giving the name right are you? A That is right as far as I know it.

Q You knew this woman by the name of Katie Blagburne? A No, sir, I knew her by the name of Katie Thompson.

Q You don't know how long these people you are talking about had lived down there in the Chickasaw Nation? A No, sir, I don't know anything about that.

Q You don't know whether they had been to the Cherokee Nation before that time, do you? A No, sir, I don't know anything about that,

whether they had or not, I just got acquainted with them right there.

Commission: This testimony will be made a part of the record in the following Cherokee Freedmen Doubtful cases; D-327, Katie Blackwell; D-333, Lucinda Blackwell; D-334, Ann Williams; D-343, Vinita Martin; D-438, Mattie Madden, D-629, Mattie McNair; D-754, Jesse Roach; D-756, Daniel Thompson; D-757, Henry Chambers.

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HENRY BEAN, recalled by attorney for applicants, testified further as follows:

Mr. Mellette: You say the woman, Katie Thompson, that you are talking about, had a sister named Laura? A No, sir.

Q Well, did she have a daughter by the name of Laura? A No, sir.

Q Didn't you say a while ago that she had a daughter or a sister by the name of Laura? A No, sir.

Q You are certain you didn't say that? A Yes, sir.

Q Well, where did you see this woman, Katie Thompson, ten years ago, you say you saw her then? A I saw her up on Lightning Creek.

Q What were you doing up on Lightning Creek? A I went up there to a celebration.

Q Were you at her house? A No, sir.

Q Where did you see her? A I seen her there at the celebration.

Q Where was that celebration? A On Lightning Creek.

Q What place on Lightning Creek; Lightning Creek is pretty long?

A It was there in the settlement, if I can think of the man's name, along there about Hayden, uncle Mose Whitmires, somewhere along in there.

Q How long did you stay up there? A I didn't stay up there but a few days.

Q That the only time you have been up in that country? A No, I have been up there several times; I said about ten years ago, I was guessing at the time, it might have been a little shorter time or might have been longer.

Q Did Hayden live there at that time? A Yes, sir, he lived out there.

Q What kind of a celebration was that? A The 4th of August.

Q Was it on Lightning Creek? A Yes, sir.

Q How far from Hayden's store? A I don't know just how far it was, I don't know whether he had a store there at that time.

Q Did he or did he not have a store there? A I don't know, sir, I can't tell you.

Q Did he live there? A He lived there.

Q How far was that from his house? A I don't know sir, I don't know where his house is, I was never at his house.

Q Did you see his house? A I never saw his house.

Q Where did you stay when you went up there? A I stayed at Looney Glass' and to Eliza Wright's.

Q Where does Looney Glass live? A Lives there right there on Lightning Creek, not far from the celebration ground.

Q Was there any building there where they had the celebration?

A No, it was there just in the open woods.

Q No school house? A The school house was a little piece from there, I never went around to it.

Q No church house? A School house or church house, or something of that kind isn't far from there, I didn't pay any attention to such things as that.

Q That the only time you were up there? A No, sir, been right over the celebration ground, but I couldn't locate the grounds by go

ing over them.

Q How long did you see this woman at that time? A I just seen her that day.

Q Speak to her? A Yes, sir.

Q Talk to her? A Didn't have very much talk, I just passed and spoke.

Q Just spoke to her as you passed? A I stopped and spoke to her and talked a little but didn't have very much talk, just passed on.

Q You will swear that was the woman you came from Texas with?

A Yes, sir, from Chickasaw Nation.

Q Can't be mistaken about that? A No, sir, can't be mistaken about that.

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FRANK PACK, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Frank Pack.

Q What is your age? A 40.

Q You know Henry Bean, the witness that just left the stand?

A Yes, sir.

Q How long have you known him? A Been knowing him ever since '74 or '75, somewhere along there.

Q Where did you get acquainted with him? A Got acquainted with him at Tahlequah.

Q You know when he came to Tahlequah? A It was along about '75 or '74 when I first seen him, that is my recollection.

Q You know when that first payment was made? A I think it was in '75 if I mistake not, somewhere along about there.

Q Do you know Katie Thompson and Dicey Sorrells? A Yes, sir.

Q Do you know when she came to Tahlequah? A She came there about the same time Henry Bean did, I seen them all just about the same time; they lived in about three miles and a half of where I lived, and stayed there a while and along in about '75 why my mother died and we moved off and rented the place to some of them, they moved over on our place across the river and made a crop there one year.

Q How far is that from Tahlequah? A That is about six miles east.

Mr. Mellette: Now you say you first saw this man Henry Bean in '74

Q '74 or '75, along in there somewhere.

Q How can you remember it was that year? A Because my mother died in '75and I had seen them a while before she died, I got acquainted with them.

Q How long before your mother died? A I can't say how long.

Q One or two years? A It wasn't that long, I don't think it was hardly a year.

Q What reason had you for remembering when Henry Bean came to this country? A Because I told you my mother died along about '75, and I seen them a little before she died.

Q That didn't have any connection with her death did it? A He was always around where we were, we were neighbors.

Q Why does the death of your mother make you remember when you first saw Henry Bean? A Because they were not very many strange people moved in there then and they moved in close to where we lived and that makes me remember them.

Q Do you remember any other colored man that came in that country about that time? A I expect I would if they would mention some of them.

Q Why do you fix your memory on Henry Bean? A Because he was a stranger and came right in close neighbors to me.

Q Was he any kin to you? A None at all.

Q You were 15 years old at that time? A I guess I was somewhere along about there, I recollect it [illegible] though.

Q And you can remember it was '74 or '75? A Yes, sir.
Q When was your recollection first brought to bear upon the question as to when Henry Bean came into your country? A It always has been that way.
Q Do you know John Ross? A Yes, sir.
Q When did you first see him? A I can't tell exactly. He was quite small when I first seen him.
Q Where did you first see him? A At Tahlequah.
Q When? A Along, I can't say exactly, he was a small boy.
Q Give us an idea when you first saw him? A Well I can't really say, it was way after I seen Henry, I know that, and John was quite a boy.
Q Now Pack, Henry Bean came to that country when you were about 15 years old and you have remembered from that time on the year that he came there? A Yes, sir.
Q Are you employed by the Cherokee Nation now? A Yes, sir.
Q In what capacity? A I am just working with them, working for them, anything they want me to do around about the office I am right there working.
Q You are connected with the Cherokee officers who have charge of this enrollment, are you not? A I am working for them.
Q You are kept here as a witness are you, too? A Not particular I don't guess.
Q Then what do you do for the Cherokee Nation? A Anything they want me to do; clean up the room, bring water, go and get the mail, anything they ask me I go and do it.
Q And you are willing to swear positively that Henry Bean came about Tahlequah in '75 or '75? A Yes, sir.
Q You knew that you saw him when he first came? A Yes, sir, I am positive. I know what I am talking about.

L. B. BELL, appearing before the Commission and being duly sworn and examined, testified as follows:
Mr. Hastings: What is your name? A L. B. Bell.
Q How old are you? A 62.
Q What is your postoffice? A Vinita.
Q Mr. Bell, what was the date, if you know, of that first payment, that was made some eight or ten or twelve years after the war? A Well it was what we call the bread money, the first payment we had, was in '75; some of them calls it the $10.60 payment, and the ten dollar payment.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 25th of September 1901.

C. R. Breckinridge

Commissioner.

Henry Chambers, C. R. D. 757.

[illegible] of the Interior,
[illegible] the Five Civilized Tribes,
[illegible] October, 8th 1901.

[illegible] the Matter of the application of Katie Black-
[illegible] al, [illegible] the application of Katie Black-
well [illegible]

[illegible] Hastings for the Cherokee Nation.
[illegible] Smith for the applicant.

[illegible] Patsy Johnson being first duly sworn states by Capt T. B. Needles
[illegible] on the part of the Cherokee Nation:
Q By Hastings
Q What is your name? A Patsy Johnson.
Q How old are you Mrs Johnson? A About 52.
Q Where were you born? A On Caney at Nick Sanders.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q What is your post office address? A Fort Gibson.
Q How long has it been your post office? A It has been ever since the war
Q Were you the property of Nick Sanders before the war? A Yes sir.
Q Where were you living at the close of the war? A Gibson, Fort Gibson.
Q What was your maiden name? A Patsy Sanders.
Q When were you first married? A I dont remember the year.
Q About how long after the war-- your first husband was named Dennis
[illegible] in [illegible]? A No sir, Joe Brown.
Q When were you married to Dennis? A Must have been in '69.
Q In the spring or fall? A Fall.
Q What was Dennis doing at that time? A He was a soldier.
Q In the regular army? A Yes sir.
Q Where were you married to him? A Fort Gibson.
Q [illegible] that year? A Yes sir a part of
that year.
Q Where did you live then? A Fort Arbuckle.
Q Where is that? A Chickasaw Nation.
Q Did you know a colored woman who goes now by the name of Katie Black-
well, and who about that time was known as Katie Thompson? A Yes sir.
Q When did you first know her? A Fort Arbuckle. ,in the Chickasaw Nation
Q When did you first know her? A In the last part of '69 I think it was.
Q That was [illegible]

Henry Chambers, C. F. D. 737.

Department of the Interior.
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 8th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Katie Blackwell et al, C. F. D. #737.

Appearances:
W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicant.

PATSY JOHNSON being first duly sworn states by Com'r T. B. Needles testified as follows on the part of the Cherokee Nation:

(By Hastings)
Q What is your name? A Patsy Johnson.
Q How old are you Mrs. Johnson? A About 52.
Q Where were you born? A On Caney at Nick Sanders.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q What is your post office address? A Fort Gibson.
Q How long has it been your post office? A It has been ever since the war
Q Were you the property of Nick Sanders before the war? Yes sir.
Q Where were you living at the close of the war? A Gibson, Fort Gibson.
Q What was your maiden name? A Patsy Sanders.
Q When were you first married? A I dont remember the year.
Q About how long after the war-- your first husband was named Dennis wasn't he? A No sir, Joe Brown.
Q When were you married to Dennis? A Must have been in '69.
Q In the spring or fall? A fall.
Q What was Dennis doing at that time? A He was a soldier.
Q In the regular army? A Yes sir.
Q Wherewere you married to him? A Fort Gibson.
Q Well did you continue to live there that year? A Yes sir a part of that year.
Q Where did you go from ther ? A Fort Arbuckle.
Q Where is that? A Chickasaw Nation.
Q Did you know a colored woman who goes now by the name of Katie Blackwell, and who about that time was known as Katie Thompson? A Yes sir.
Q Where did you first know her? A Fort Arbuckle. ,in the Chickasaw Nation
Q When did you first know her? A In the last part of '69 I think it was.
Q What was Kate's husband's name? A Albert Thompson.
Q Did she have a mother living? A Yes sir, Marthe.
Q What was her husband's name? A Sid Thompson.
Q Did Katie Have any sisters? A Yes sir.
Q Name some of them? A Dicey Sorrel at that time, Nan Hailstorm and Tempy Thomas.
Q Did you see them all there at that time? A Yes sir.
Q Dd you know Charles Blackburn? A I used to see him, not well acquainted with him.
Q You say Dicey married a Sorrel? A Yes sir.
Q What was his occupation? A Soldier in the same company my husband was in.
Q Where were they married? A In that country some place.
Q How long did you remain out there? A Six months I think.
Q Then where did you go? A Come back to Gibson.
Q Did you talk withthese people while they were out there? A Yes sir.
Q Did they say anything about having come back here after the war? A No sir.

Q Did you ever afterwards see them? A Yes sir after they came back here
Q When was that? A It must have been in the year '73 or '4,about that time, in '74 I guess.
Q That is your best judgment? A Yes sir long about that time .
Q Do you remember who came with them? A I think that they told me.

Q Who told you that? A Dicey.
Q Well, that did she tell you? A That her mother and the rest of them had gone on to Tahlequah—she stopped with me.
Q You didn't see the rest of the family at that time then? A No sir.
Q Where were you living then that she stopped with you? A 7 miles from Fort Gibson.
Q How far from Four Mile Branch? A 2 or 3 miles.
Q Do you know if Dicey Sorrel had any children at that time? A Yes sir
Q What ones? A Two little boys and one girl.
Q What were their names? A Mattie was the girl, she was the oldest one, one boy named Morris and one Richard.
Q How long did they stay at your house that time? A 5 or 6 months.
Q Did they tell you then where they were from? A No sir.
Q Didn't say where they come from? A No sir.
Q Did they at that time say anything about having been here before, since the war? A No sir didn't say.
Q Was Dicey Sorrel acquainted with where people lived in the country at that time? A I think not.
Q Was you acquainted with her before the war? A No sir.
Q What made her come to your house in '74? A I met her in Fort Arbuckle, our husbands were soldiers together.
Q Had your husband been a soldier with her husband before Sorrel married Dicey? A Yes sir.
Q They staid at your house 4 or 5 months? A Yes sir, something like that
Q Do you know Henry Bean who lived at Tahlequah? A Yes sir.
Q Did you see him at that time? A Yes sir he brought Sorrel's family to my house.
Q Who did you say Tempoy married? A Man named Thomas.
Q And Nan married Hailstorm? A Hailstock.
Q Did you see Nan and Tempy at Fort Arbuckle in the Chickasaw Nation? A Yes sir.
Q From th time you left there way in '69 you never saw them until they came to your house in '73 or '4? A No sir.
Q After they came there did they talk to you about Fort Arbuckle? A Not much.
Q Do you know what Dicey's name is now? A I think she married a man named Tanner or Tinner, I was not quainted with him.
Q Where did they go from your place? A Went to Tahlequah.
Q Did you ever afterwards see Kate and the rest of the family at Tahlequah? A Yes sir.
Q Do they live there now? A No sir they moved up this way some where I dont know where.
Q Have you seen her since? A No sir.
(By Smith)
Q Were you a slave before the war? A Yes sir.
Q Who did you belong to? A Nick Sanders.
Q Do you know who this woman Kate belonged to? A No sir.
Q Where was you during the war? A Fort Gibson.
Q Did you go out at all? A Yes sir.
Q Where to? A Fort Arbuckle.
Q When did you get back? A I dont remember what time.
Q In '65 or '6? A No sir I never was away at that time.
Q You didn't go away until after the war then? A No sir.
Q Where were you when the war closed? A Fort Gibson.
Q Where were you the next year? A On Lost Rumnion's place on the Bayou.
Q What year was that? A Year of the cholera.
Q '66? A No sir, '67.
Q What year did the war close? A '63 I think.
Q You think then the was year after the war closed was '67? A No sir, '66 and then comes '67.
Q Well what year did you make a crop on the place you spoke of? A '67.
Q That was the year after the war closed you said? A No sir, '63, '4, '5, '6 and '7.

Then it must have been four or five years after the war that you made a crop on that place? A Yes sir, we made one crop close to Gibson, across the river from Frank Smith's place.
Q What year was that? A I dont know what year.
Q Can say you know this woman in '69 in the Chickasaw Nation , now you don't know anything about '68 do you? A Yes sir.
Q You say the war closed in '63? A Yes sir.
Q And you say you made a crop the year after the war closed and that it was in '67? A We made a crop in '67 on the Lost Runnion place and one the year before on the Frank Smith place.
Q Was it the year after the war closed? A (No response)
Q You say it was in '69 that you saw this woman in the Chickasaw Nation?
A Yes sir.
Q How long had you been married when you went to the Chickasaw Nation?
A I married here that year.
Q What month? A In the fall.
Q How long had you been married when you went to the Chickasaw Nation?
A I dont know, I think----I married before I married Dennis--I wasn't married to Dennis when we made these crops--I married him as a soldier and went off with him.
Q You married him in '69? A Yes sir.
Q How long did you stay with him in Fort Gibson before you went to the Chickasaw Nation?mA Not long.
Q How long, three month? A No sir,I dont know how long.
Q Was it a year? A No sir.
Q Was it six months? A No sir.
Q Three months? A No sir, it wasn't a month I dont think.
Q How long had you been in the Chickasaw Nation before you saw this woman Katie Blackwell? A Not long, they worked in the garrison there
Q Was your husband still a soldier then? A Yes sir.
Q How did you go to Fort Arbuckle? A In a wagon.
Q Who went with you? A The man that was driving the wagon.
Q Was you and he along in that wagon? A Yes sir.
Q Was that all that went? A No sir the company of soldiers, the 10th Walry.
Q In '69? A Yes sir.
Q And your husband was a soldier then? A Yes sir.
Q How long was he a soldier thehere? A He was a soldier five years was his term.
Q How long had you been in Fort Arbuckle before he quit? A I dont know
Q Did you come back that same year or was it longer? A I dont know how long it was, soldiers moved about in such a shape that I dont know
Q Tell me how you fix the date of '68----what makes you think it was '69?
A Because we was----I had one child before I married Dennis,it was born in '68 and in '69, the last part, I went away with the soldiers.
Q How old was that child when you went away? A 8 or 9 months.
Q How do you remember the child was born in '68? A I remember it very well.
Q Do you know the difference between '67, '8 and '9? A Yes sir.
Q How many children have you now? A Four.
Q What year was the next one born? A Born in '70.
Q When was the next one born? A '72.
Q When was the next one born? A Born in----you can count it up, it is 5 years old now.
Q You dont know the year? A If I stopped to count it up I would.
Q Do you know the year the Wallace roll was made? A By long study I might know,there is lots of things that I dont remember; there there things that happened a long time ago that I remember quite well and other things that I dont remember at all that happened not so long ago.
Q Were you in Webbers Falls in '66?mA No sir
Q You were in Fort Gibson all that year? A Yes sir.
Q How old would Katie Blackwell be now? A I dont know, when I we

she was married.
Q Was she an old woman or a middle aged woman then? A I would call her a middle aged woman then.
Q Was she as much as 40 when you know her? A I dont know.
Q What would you call a middle aged woman? A 35, or 30 I guess.
Q You think she was about that old then—did she have any children?
A I think so, but I wasn't acquainted with the children.
Q Didn't she come to your house and stay? A No, sir, Dicey did.
Q Wh o was Dicey? A Kate's Sister.
Q Was it Dicey or Kate that you saw in the Chickasaw Nation? A I saw them all there, I was acquainted with four sisters and some of the family I wasn't acquainted with.
Q How many crops had you made before you went to the Chickasaw Nation?
A We made two.
Q Where did you make the crop the first year after the war? A On Frank Smith's place.
Q Where the next year? A None.
Q Where the third year after the war? A The next crop we made we made on the Bayou.
Q When was that? A The year of the cholera, I know all my people died and I think it was in '67.
Q You know it was after the war when you made a crop on the Frank Smith place? A Yes sir My step father made a crop there; I dont think the war was quite closed then.
Q How many years was it when you made the crop on the Bayou? A I think he had tended another crop up on Fourteen Mile Creek I was not there though.
Q You never were at Webbers Falls during '66? A No sir never was there.
Q When did your husband quit the army, if you can tell me? A He quit the army in '72 I think it was that his time was out.
Q At what place did he quit? A I don't know where he was discharged, when he came home I was at home.
Q Where? A Where I am living now.
Q Fort Gibson? A No sir seven miles the other side.
(By Hastings)
Q What is your best judgment as to how long you were at Fort Arbuckle?
A 5 or 6 months.
Q What year comes before '66? A '65.
Q What year do you think the war closed? A '63, I hink.
Q Were were you in '64? A Fort Gibson.
Q Was the war going on then? A No sir, the war wasn't going on there, right there, they was fighting off from there I think; I was in the town of Fort Gibson then.
Q You were married to Dennis in '69? A Yes sir.
Q You think you had been married a month when you went off with him? Yes.

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This will be filed and made a part of the record in the following Cherokee Freedman doubtful cases D-327; D-754; D-756; D-75 ; D-333; D-334; D-343; D-438; D-624; D-634; D-336; D-337; D-338 and D-629.

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Chas. W. Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 14th of October, 1902.

Commissioner.

(C O P Y)

Department of the Interior?
Commission to the Five Civilized Tribes,
Nowata, I. T. June 18, 1901.

In the matter of the application of Henry Chambers for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles , he tes ified as follows:

Q What is your name? A. Henry Chambers
Q How old are you? A. I was born about '67
Q How old would that make you? A. About 34
Q What is your post office address? A. Bartlesville.
Q What district do you live in? A. A Cooweescoowee
Q You apply tobe enrolled as a Cherokee Freedman? A. Descendant
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A. Well, so far-
Q Is your name on the roll of 1880? A. No sir
Q Is it on any of the rolls? A. On the Wallace roll
Q What is your father's name? A. Charley Chambers
Q Is he living? A. yes sir
Q Your mother's name? A. Katie Goody, or Blackwell.
Q You claim your citizenship through your father or mother, or b th? A. Both of them.
Q Has your father been enrolled? A. Yes sir.
Q Are you married? A. Yes sir
Q You apply for anybody but yourself? A. Just myself, my wife is already enrolled.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined and applicant not found;
Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q Did you draw what is known as Strip money? . I drawed $15.50 is all I ever drawed.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified on page 173 #3226 Henry Chambers, Cooweescoowee District.

Q Where were you born? A. I don't know exactly where I was born
Q Where have you lived all your life? A. Here ever since I can recollect, in the Cherokee Nation.

KATIE BLACKWELL, being sworn by Com'r. Needles, testified:

BY CHEROKEE REP'VE W.W.HASTINGS:

Q What is your name? A. Katie Blackwell
How old are you? A. I don't know my age.
Q Are you this boy's mother? A. Yes sir
Q Was he born in the Choctaw Nation? A. Yes sir.
BY COM'R. NEEDLES:
Q You are along 50 or 60 years old? A. Yes sir, I guess so, I don't know my age at all.
Q Where was Dan Thompson born? A. At Webber's Falls.

APPLICANT, HENRY CHAMBERS, re-called and further examined:

BY MR. HASTINGS:

Q Where were you living when you were first old enough to remember,
A At Tahlequah, when I can first remember
Q What part of Tahlequah? A. It was on the Illinois River
Q On whose place? A. I believe we was living on, I couldn't think, somewhere there in Tahlequah.
Q How long did you live there? A. I lived there about two or three years I guess.
Q Where did you go then? A. Moved up here on Salt Creek, what's called Lightning Creek
Q How long did you live there? A. I have been living there ever since I was very near grown
Q Where did you marry? A. Out here at Bartlesville.
Q When? A. About 10 years ago.
Q Where have you lived since you were married? A. I have been living here on Overcup bottom on Verdigris. And lived out here where I am living now, near Bartles ville.

KATIE BLACKWELL, re-called, and further examined:

BY MR. HASTINGS:

Q Were you and Charley Chambers ever married? A. No sir, we wasn't married, sir; we was none of us married time of the war.
Q You were living with Charley Chambers at the time this child was born? A. No sir, he had done quit me.
Q How long before the child was born before he quit you? A. It was not so very long before the child was born when Charley quit me
Q He had another wife at that time didn't her? A. Not as I know of.
Q What time of the year was this young man the applicant born?
A Well mister, I don't know what time, I don't know what time it were, because I can't keep no dates nor nothing of the kind; I am uneducated and I don't know.
Q Near what town in the Choctaw Nation did you live? A. I wasn't living in no town.
Q On whose place were you living? A. I was li ing at a man's they called Captain Jackson's
Q What town was the nearest to that, what was the town you trade at? A. There was no town, as I can tell you, and I am telling you the truth, there was no town where we were.
Q None anyways near you? A. No sir, not as I knows of, Mister Hastings.
Q Well don't get excited? A. I am not excited
Q I want you to tell me the facts? A. Well I am telling you the facts.
Q Were you living on a stream? . Yes sir, we were living on a stream. I guess we was living on a stream, we were about five miles this side of Red River, but to tell you about a town, there was no town near us as I know anything about, any town.
Q How old was this boy when you moved from down there? A. Just a small boy.
Q Well about how old? A. I don't know exactly how old this child was.
Q Well, three or four, or two years old? A. Oh he was som three or four years old I guess.
Q He was born after the war? A. No, he was born along up in the war, he was born up in the war.

BY COMMISSIONER NEEDLES:

Q The applicant here, Henry Chambers is your child, is he? A.
A Yes sir, this is my child.
Q Born in the Choctaw Nation? A. Yes sir
Q During the war? A. Yes sir
Q That was while you were refugeeing down there? A. Yes sir
Q You call him Henry Chambers? A. Call him Henry Chambers.

Com'r. Needles: Henry Chambers applies for the enrollment of himself; he is not identified upon the authenticated roll of 1880 or the census roll of 1896, or the Kern-Clifton roll but is identified upon the Wallace roll , according to page and number of the roll as indicated in the testimony; he avers that he is a son of Katie Coody, now Katie Blackwell, and said Katie Blackwell has been listed for enrollment as a Cherokee Freedman on doubtful card 327, and the testimony taken in said case will be made a part of the testimony in the case now under consideration, and a copy thereof will be filed herewith; and said Henry Chambers will be listed for enrollment as a Cherokee Freedman on a doubtful card; he will be duly notified of the action of the Commission at his post-office address when arrived at.

M.D.GREEN, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

)(Signed) M.D.GREEN

Subscribed and sworn to before me this June 26, 1901.

(Signed) T.B.NEEDLES
Commissioner.

The undersigned being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above and foregoing copy, and that same is a full true and correct copy of the original transcript in this case.

Lucy M Bowman

Subscribed and sworn to before me this 27th day of March, 1906

B. P. Parmer
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Jac

In the matter of the application of Katie Blackwell et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Katie Blackwell et al.	Cherokee Freedmen	D 327
Lucinda Blackwell et al.	Cherokee Freedmen	D 323
Ann Williams	Cherokee Freedmen	D 334
Vinita Martin et al.	Cherokee Freedmen	D 343
Mattie Madden	Cherokee Freedmen	D 438
Mary Riley et al.	Cherokee Freedmen	D 624
Mattie McNair et al.	Cherokee Freedmen	D 629
Adaline Hardman	Cherokee Freedmen	D [illegible]
Jesse Roach	Cherokee Freedmen	D 754
Daniel Thompson	Cherokee Freedmen	D 756
Morris A. Sorrell et al.	Cherokee Freedmen	D 193
Henry Chambers	Cherokee Freedmen	D 7[illegible]7

D E C I S I O N

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Katie Blackwell for herself, her minor child, Thomas Ross, and her sister's children, Certie and Lunnie Tinnon; by Lucinda Blackwell for herself and minor child, Pearlee Blackwell; and, subsequent to the date of this application, an affidavit was filed as to the birth of her minor child, Margery L. Blackwell, and the same is made a part of the record herein; by Ann Williams for herself; by Vinita Martin for herself and minor child, Corrail Martin; by John Madden for his wife, Mattie Madden, among others; the other parties to his application, being differently classified, are not embraced in this decision; by Mary Riley for herself and granddaughter, Rosa McNair; by Mattie McNair for herself and minor child, James Landrum; by Adaline Hardman for herself; by Jesse Roach for himself; by Daniel Thompson for himself; by Morris A. Sorrell for himself and his half brother, Luie Tinnon; and by Henry Chambers for himself.

The evidence shows that the applicants, Katie Blackwell and Mary Riley are, and that Nannie Vann (formerly Morgan) and Dicey Tinnon (or Sorrell) were, the daughters of Martha Thompson. It is alleged that Martha Thompson and her said daughters were slaves in the Cherokee Nation at the commencement of the rebellion. The evidence further shows that they were taken out of said nation during the rebellion and that neither of them returned thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., versus the Cherokee Nation et al., for the return of freedmen to said nation.

The said Thomas Ross, Lucinda Blackwell, Pearlee Blackwell, Margery L. Blackwell, Ann Williams and Daniel Thompson are the descendants of said Katie Blackwell, born since 1866, and have no rights as Cherokee freedmen except such as they may have acquired through her. The said Jesse Roach, also a son of Katie Blackwell, was born in slavery and resided with his mother in the Cherokee Nation at the commencement of the rebellion. It is presumed that he was taken out of said nation with his mother during the rebellion being at that time a minor, and there is no evidence showing that he returned to said nation within the time specified in the decree of the Court of Claims supra.

The said Gertie Tinnon, Lennie Tinnon, Vinita Martin, Corrail Martin, Mattie Madden and Morris A. Sorrell are the descendants of Dicey Tinnon (or Sorrell), born since 1866, and have no rights as Cherokee freedmen except such as they may have acquired through her. Luie Tinnon is a son of Dicey Tinnon by Horace Tinnon; and it does not appear that Horace Tinnon was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

The said Mattie McNair and James Landrum are the descendants of Nannie Vann (formerly Morgan), born since 1866, and have no rights as Cherokee freedmen except such as they may have acquired through her. Rosa McNair and Adaline Hardman are descendants of Mary Riley, having been born since 1866, and have no rights as Cherokee freedmen except such as they may have acquired through said Mary Riley. Neither the name of Horace Tinnon nor the names of any of said applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

The evidence further shows that the applicant, Henry Chambers, is the son of said Katie Blackwell, by one Charlie Chambers, who is identified on the 1880 authenticated roll of the Cherokee Nation. It is presumed from this enrollment that the Cherokee Nation recognized that the said Charlie Chambers complied with the terms of the treaty of 1866. Henry Chambers has been a resident of the Indian Territory all his life, and has resided in the Cherokee Nation continuously from about 1874 up to and including the date of his application herein.

It is, therefore, the opinion of this Commission that Henry Chambers, having been born since 1866, should be enrolled as a Cherokee freedman, in accordance with the provisions of section twenty one of the act of Congress approved June 28, 1898 (30 Stats. 495); and it

is further the opinion of this Commission that the applications for the enrollment of Katie Blackwell, Thomas Ross, Gertie Tinnon, Lunnie Tinnon, Lucinda Blackwell, Pearlee Blackwell, Margery L. Blackwell, Ann Williams, Vinita Martin, Corrail Martin, Mattie Madden, Mary Riley, Rosa McNair, Adaline Hardman, Mattie McNair, James Landrum, Jesse Roach, Daniel Thompson, Morris A. Sorrell and Luie Tinnon, as Cherokee Freedmen, should be denied under the provisions of said Section Twenty-one, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this

MAR

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Henry Chambers,
Bartlesville, I.T.
Cherokee F-D-757
Register.

Cherokee Freedman
D-327 et al.

Muskogee, Indian Territory, April 29, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Katie Blackwell et al., granting the application for the enrollment of Henry Chambers as a Cherokee freedman, and rejecting all the others included in said case.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission as to Henry Chambers, a copy of which protest you will be required to furnish said Henry Chambers. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Rec. D-26.

Chairman.

COPY.

Cherokee Freedmen
D 757

Muskogee, Indian Territory, May 17, 1904.

Henry Chambers,

Bartlesville, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision dated April 20, 1904, in the consolidated case of Katie Blackwell, et al., granting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Encl. V-61

Register

COPY.

Cherokee Freedmen
D 287, et al.

Muskogee, Indian Territory, May 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Katie Blackwell, et al., including the Commission's decision dated April 30, 1904, granting the application for the enrollment of Henry Chambers as a Cherokee freedman and rejecting the applications for the enrollment of Katie, Eusinia, Pearlie and Margery L. Blackwell, Sertie, Lennie and Lulu Tinnon, Thomas Ross, Ann Williams, Vinita and Cornell Martin, Nattie Madden, Mary Riley, Rosa and Nattie McNair, James Lanirum, Adaline Hartman, Jesse Roach, Daniel Thompson, and Morris A. Sorrell as Cherokee freedmen.

Respectfully,

Tams Bixby,

Chairman.

Encl. V-63

Through the
Commissioner of Indian Affairs.

CORRECTION

THIS DOCUMENT HAS BEEN REPHOTOGRAPHED TO ASSURE LEGIBILITY

COPY.

Cherokee Freedmen
D 327, et al.

Muskogee, Indian Territory, May 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Katie Blackwell, et al., including the Commission's decision dated April 20, 1904, granting the application for the enrollment of Henry Chambers as a Cherokee freedman and rejecting the applications for the enrollment of Katie, Lucinda, Penrlee and Margery L. Blackwell, Gertie, Lunnie and Lulu Tinnon, Thomas Ross, Ann Williams, Vinita and Corrail Martin, Mattie Madden, Mary Riley, Rosa and Mattie McNair, James Lambrum, Adaline Hardman, Jessie Roach, Daniel Thompson, and Morris A. Sorrell as Cherokee freedmen.

Respectfully,

Tams Bixby,

Chairman.

Encl. V-63

Through the
Commissioner of Indian Affairs.

(C O P Y)

Refer in reply
to the following:
Land.
33875-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated May 17, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Katie Blackwell for herself her minor child Thomas Ross, and her sister's children, Gertie and Lunnie Tinnon; by Lucinda Blackwell for herself and her minor children, Pearl and Margery L. Blackwell; by Ann Williams for herself; by Vinita Martin for herself and her minor child, Corrail Martin; by Mattie Madden for herself; by Mary Riley for herself and her granddaughter, Rosa McNair; by Mattie McNair for herself and minor child, James Landrum; by Adeline Hardman for herself; by Jesse Roach for himself; by Daniel Thompson for himself; by Morris A. Sorrell for himself, and his half brother Louie Tinnon; and by Henry Chambers for himself.

April 20, 1904, the Commission decided favorably in the application of Henry Chambers, and unfavorably to all the other applicants.

The record shows that Henry Chambers is the son of Katie by one Charlie Chambers, who is identified on the 1880 authenticated roll of the Cherokee Nation. Henry Chambers has been a resident of the Indian Territory all his life and of the Cherokee Nation from about 1874 to the date of the record.

The evidence shows that the applicants, Katie Blackwell, Mary Riley, Nannie Morgan Vann and Dicey Tinnon (or Sorrell), are the daughters of Martha Thompson; that they are alleged to have been slaves in the Cherokee Nation at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war, and that none of them returned thereto on or before February 11, 1867; that Thomas Ross, Lucinda Blackwell, Pearlie Blackwell, Margery L. Blackwell, Ann Williams and Daniel Thompson are the descendants of Katie Blackwell, born since 1866, and have no rights as Cherokee freedmen except such as they may have acquired through her; that Jesse Roach is a son of Katie Blackwell born in slavery, and resided with his mother in the Cherokee Nation at the beginning of the war, and being a minor, his residence was that of his mother. The applicants, Lunnie and Gertie Tinnon, Vinita Martin, Corral Martin, Mattie Martin and Morris A. Sorrell are the descendants of Dicey Tinnon (or Sorrell), born since 1866, and have no rights as Cherokee freedmen except such as they may have acquired through her. Louie Tinnon is a son of Dicey Tinnon by Horace Tinnon, and it does not appear that Horace Tinnon was the slave of a Cherokee citizen

or a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion. The applicants, Mattie McNair and James Landrum are the descendants of Nannie Morgan Vann born since 1866, and have no rights as Cherokee freedmen except such as they may have acquired through her. The record further shows that the applicants, Rosa McNair and Adaline Hardman are descendants of Mary Riley, born since 1866 and have no rights to enrollment as Cherokee freedmen except such as they may have acquired through said Mary Riley.

None of the applicants is identified on the 1880 authenticated Cherokee Roll. All of the principal applicants are identified on the Kern-Clifton roll, and many on the Wallace roll.

In view of the record the approval of the Commission's decision favorable to Henry Chambers and adverse to all of the other applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.M.
W.

(C O P Y)

Y. P.

DEPARTMENT OF THE INTERIOR, THE

D. C. 42154-1904 WASHINGTON. October 31, 1904.

I. T. D. 8138-1904.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 17, 1904, you transmitted the record in the consolidated Cherokee freedman case of Katie Blackwell, et al (F. D.-327, et al), including your decision of April 20, 1904, granting the application for the enrollment of Henry Chambers, and rejecting the applications for the enrollment of all the other applicants.

Reporting in the matter September 26, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock

Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

D-757.

Muskogee, Indian Territory, November 8, 1904.

Henry Chambers,

Bartlesville, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, granting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 31, 1904.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY

Cherokee Freedmen

D-327, et al.

Muskogee, Indian Territory, November 8, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Katie, Lucinda, Pearlee and Margery L. Blackwell, Gertie, Lunnie and Lulie Timmon, Thomas Ross, Ann Williams, Vinita and Corrail Martin, Mattie Madden, Mattie and Rosa McNair, James Landrum, Jesse Roach, Daniel Thompson, Morris A. Sorrell, Adaline Hardman and Mary Riley, and granting the application for the enrollment of Henry Chambers, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 31, 1904.

Respectfully,

Tams Bixby

Chairman.

Nowata, I.T.

Dec. 20th 1906.

Mr Sec. Hitchcock

Washington D.C.

How is it that the Dawes Commission will deside a gainst a negro. and afterwards put him on the Role. there is a negro by the name of Henry Chambers that is on the Role he was first rejected and afterwards put on the Role. His mother was rejected but I understand he was put on the role- he cause his Father was on the Role they dont Know that this Charles Chambers is his Father. For his mother never was married to him. She has several children and never was married to anyone of them. she did not even live with any of these men. that is suposed to be the Fathers of these Children. her Two last Husbands she was Lawfully Married to but never had any children from either of them the reason I know she lives near me and one of her husband did belong to my Father. I saw the Commission reject a Cherokee man when he tried to put his child on the Role by him not living with its mother. Commission saying he did not know who was the Father of the child as he had never was married to her and never lived with her as man and wife and it looks to me that this negro case is just the same kind of a case as the Cherokee mans case was. This Negro Henry Chambers Mother and all the rest of the family has rejected by the Dawes Commission and I cant see how Charles Chambers can give Henry Chambers any right in this country and if you will Investigate this case you will find it just as I Claim it is

Yours & C

~~(Signed)~~ John H. Coody

DC No. 907-1907

Cherokee
Freedman
1426

Muskogee, Indian Territory, January 11, 1907

Mr. W. W. Hastings,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith for your information and such investigation as you desire to make, copy of a letter from John H. Coody dated December 20, 1906, addressed to the Secretary of the Interior, in reference to the alleged fraudulent enrollment of Henry Chambers, a Cherokee Freedman.

The decision of the Commission to the Five Civilized Tribes granting the application of Henry Chambers for enrollment was affirmed by the Secretary of the Interior October 31, 1904.

Respectfully,

Commissioner.

J.O.R.-L.
Enc.L-2.

Cherokee
Freedman
1426.

Muskogee, Indian Territory, January 11, 1907

John H. Coody,

Newata, Indian Territory.

Dear Sir:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of December 20, 1906, with reference to the right to enrollment as a Cherokee Freedman of Henry Chambers, alleged son of Charles Chambers.

You state that the mother of Henry Chambers has been denied enrollment as a Cherokee Freedman; that he secured his enrollment on the ground of claiming to be the son of Charles Chambers, a Cherokee Freedman, and that the parents of Henry Chambers were never married or recognized as husband and wife.

In reply you are advised that the decision of the Commission to the Five Civilized Tribes granting the application of Henry Chambers for enrollment as a Cherokee Freedman was affirmed by the Secretary of the Interior on October 3, 1904. The parents of Henry Chambers are given as Charles Chambers and Katie Blackwell.

A copy of your letter has been forwarded to the

2-J.H.C.

attorney for the Cherokee Nation for such investigation as he desires to make in connection with the right of Henry Chambers to enrollment as a Cherokee Freedman.

Respectfully,

Commissioner.

T.B.R.-L.

(COPY)

D.C.2776-1907

ATTORNEY FOR THE CHEROKEE NATION,

MUSKOGEE, I. T.

January 15, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, I. T.

Sir:

Receipt is adknowledged of your letter of January 11th, inclosing a copy of a letter signed by John H. Coody, addressed to the Secretary of the Interior, dated December 20, 1906, protesting against the enrollment of Henry Chambers. The testimony in this case tends to show that Henry Chambers is the Illegitimate child of Charles Chambers whose name appears upon the authenticated roll of the Cherokee Nation as a freedman citizen of the Cherokee Nation, and under the ruling of the Department in the David Ross case, wherein it was held that illegitimate children of persons enrolled upon the 1880 authenticated roll were entitiled to enrollment, the applicant, Henry Chambers, was enrolled. It was because of this ruling that no motion to reopen this case was made on behalf of the Cherokee Nation. I also had a letter from John H. Coody and have attempted to explain to him both in person and by letter why the said Henry Chambers was enrolled.

Yours very truly,

W. W. Hastings,

Attorney for the Cherokee Nation.

Cher Fr 1427

Trans. from Cher Fr D 1124

Cher Fr 1427

[illegible]

E. C. Hemmell, on oath stated that, as a [illegible]
Commissioner of the New Castleton Station, on [illegible]
[illegible] and processing had in the usual manner [illegible]
the information in an accurate statement, to the best of [illegible]
[illegible]

Q [illegible] Hemmell, [illegible] Charlotte Hatten [illegible]
A [illegible]
Q [illegible] Hatten [illegible]
A [illegible]
Q [illegible] Hatten [illegible]
A [illegible]
Q [illegible]

R
Cher Freed.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 27, 1902.

In the matter of the application of ANDREW WEBBER, for the enrollment of himself as a Cherokee Freedman:

Appearances:
Applicant appears in person;
W. W. Hastings for Cherokee Nation;

ANDREW WEBBER, the applicant, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Andrew Webber.
Q How old are you ? A I don't know my age.
Q Haven't you any idea ? A No sir, it is on the Clifton roll as 43, I believe.
Q What is your post office address ? A Chouteau.
Q What district in the Cherokee Nation are you living in ?
A Saline.
Q You apply for enrollment as a Cherokee freedman ?
A Yes sir.
Q Who did you belong to ? A Robin Webber.
Q Was he a Cherokee ? A Yes sir.
Q Do you apply for anyone besides yourself ? A No sir.
Q What was your father's name ? A Robin Webber, the man that owned me.
Q Is he living or dead ? A Dead.
Q How long has he been dead ? A A long time; I don't know just how long.
Q What is your mother's name ? A Sunday Webber.
Q Is she living or dead ? A She's dead.
Q Was she a Cherokee freedman ? A Yes sir.
Q Did she belong to Robin Webber ? A Yes sir.
Q Where were you born ? A In the Cherokee Nation, on Caney.
Q How long have you been here ? A All the time.
Q Did you leave the Cherokee Nation after the outbreak of the war ?
A Yes sir.
Q Where did you go ? A To Kansas.
Q How long did you stay there ? A Several years.
Q When did you go there ? A Just before peace was made.
Q When did you come back ? A I came back in '66.
Q How do you know it was in '66 ?
A I knowed we had to come back on a certain time or we wouldn't have no right.

--The roll of 1880 examined and the name of applicant does not appear thereon;
--The roll of 1896 examined and the name of applicant is not found thereon;

Q Why didn't you appear before the Commission when we were up there in the Cherokee Nation ? A I didn't have time, and had no means to go. I went to Nowata once, and couldn't get on, and I never went back any more.
Q Did you ever live outside of Cooweescoowee District ?
A Well, I have been in Saline.
Q Did you draw Wallace money ? A Yes sir.
Q What district were you living in then ? A Saline.

--Wallace roll, page 148, # 3086, Andy Webber, Saline District;

Q What name did you go by when you drew Kerns-Clifton money ?
A Andy Webber.
Q What district were you living in ? A Seeweeneeewee, I believe, then.
Q Is there any other Andy Webber out in that country ?
A One up on Big Creek, a younger fellow than I am.
Q Ever go by any name other than Andy Webber ?
A That's all I know.
Q Did you draw that money when the other freedmen drew theirs or subsequent to that time ? A I drew it when the Clifton payment was.
Q How much did you draw ? A I disremember now; I drawed a hundred dollars.
Q Did you draw for any children ? A No sir.
Q Did you have any ? A Just one.
Q What is the name of that child ? A Will Webber.
Q Is that child living ? A Yes sir.
Q Where does he live ? A With me when he is at home.
Q What is his age ? A I don't know. Somewheres over twenty two though, I guess.

Examined by Mr. Hastings:

Q Where do you live now ? A Near Chetoan.
Q How far do you live from Chetoan ?
A About three miles I guess, as well as I can tell.
Q How far is that from Fort Gibson ?
A I don't know; I can't tell you anything about that.
Q Don't have any idea about that ? A No sir.
Q How far is it from Vinita ? A Thirty one or two miles I guess.
Q The Commission stayed there a number of times, and you didn't come to apply did you ? A No sir.
Q Didn't you know you weren't entitled to it ?
A I had no way to go.
Q You came here ? A Yes sir.
Q How did you come here ? A I borrowed money.
Q Couldn't you have borrowed money to go there ?
A I borrowed some to go to Nowata, and I just thought I would stay until I got time.

--Applicant is not identified on the Kerns-Clifton roll as a Cherokee freedman under the name of Andy Webber or Andrew Webber.

Examined by W. W. Hastings:

Q Where did you first see Jim Alberty ?
A Down on Grand River.
Q Where on Grand River ? A Right close to Chetoan.
Q Were you living there at that time ? A Yes sir. When I came down there in '66 I seen Mr. Alberty.
Q Was he living there at that time ? A Yes sir, I suppose he was.
Q Don't you know ? A He was there, but I didn't know where he lived.
Q Who did you go with ? A Dave French.
Q Was that when he brought his wife Lucinda down there ?
A Yes sir.
Q That was in the spring of the year wasn't it ?
A Somewheres near that time.
Q Buds were coming out on the trees weren't they ?
A I don't say for certain.
Q You know it was in the spring ? A Yes sir.
Q It was in the spring of the year that the treaty was made wasn't it ? A Well, I don't say, it was somewheres along about that time.

Q You had heard of the treaty before you came down ?
A I heard that we would all have to come here.
Q That was the next spring that you came ? A No, we came that same year as near as I can recollect. Had done got the crop in. It was warm weather when we came.
Q Were the crops just coming up or were they laid by ?
A I can't tell for certain. It has been a long time, and I kinder disremember. I was quite young, and I can't think of all these things.
Q Quite young were you ? A Yes sir.
Q Well, were you married at that time ? A Oh no sir.
Q About how old were you at that time ?
A I don't know. I couldn't tell my age if I was going to be hung.
Q Don't you know how old you were when you came to this country ?
A No sir.
Q You have made it up not to give any age haven't you ?
A No sir.
Q Just step and be patient a minute, and let us see whether you were grown ? A No sir.
Q Were you as much as 15 ? A No sir.
Q Were you as much as 10 ? A I must have been ten.
Q Why didn't you tell that a while ago ? I will stay with you a month about that.
A Of course that's your privilege.
Q What year is this ? A I don't know; I can't tell you.
Q What year did you draw Kerns-Clifton money ?
A I don't know that.
Q What year did you draw Wallace money ? A I don't know.
Q What year were you married ? A I don't know.
Q You don't know a single year do you ? A No sir.
Q You don't know a single day in the year ? A No sir. I can't figure.
Q How long after Christmas was you came here ? A It was before Christmas.
Q Wouldn't the spring of the year be after Christmas ?
A It was the year after the treaty was made.
Q You came down here when Dave French brought his wife ?
A Yes sir.
Q Who else came along with you ? A All my sisters and brothers.
Q Don't gap so much, just tell us, it throws too much suspicion on your testimony, you are under oath to tell the truth. Who else was with you when you came ?
A My mother and French and my sisters and brothers, and other wagons came along with us.
Q Who were the others ? A I don't remember. It's been quite a long time and I can't remember.
Q When did you first see Jerry Butler ? A I have been seeing him all along after I came.
Q Don't gap too much you will run us crazy. How long after you came here before you saw him ?
A Somewhere about five or six months.
Q After you came here ? A Yes sir.
Q Where was he living then ? A I don't know where he was living, I seen him on Grand River.
Q He came down there ? A Yes sir.
Q On which side of Grand River was it you saw him ?
A On the west side.
Q Were you living in a house then ? A Yes sir, my mother was.
Q That's where you first saw Jerry ? A Yes sir.
Q Did Jerry testify for you before the Kerns-Clifton Committee ?
A No sir.
Q Did anybody ? A I think they did.
Q Who was it ? A Why Mr. French.

JIM ALBERTY, called as a witness on behalf of applicant, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Jim Alberty.
Q How old are you ? A I am nearly 71 now.
Q Where do you live ? A In Saline District.
Q Do you know Andrew Webber ? A Yes sir.
Q How long have you known him ? A From a small boy.
Q Where was he living when the war between the United States and the Confederacy broke out ? A I don't know where he was living I knew who he belonged to.
Q Who to ? A He belonged to Robin Webber.
Q Where did you first see him after the war ?
A In 1866, with his step father.
Q What is his name ? A Dave French.
Q Where was he at that time ? A Three miles this side of Chateau.
Q What time in '66 did you see him ?
A I don't really know just what time X
Q Was it in the spring of the year ? A It was warm weather.
Q Had crops been laid by ? A I can't recollect.
Q Where did they come from ? A They said they came from Kansas.
Q How do you know it was '66 ? A I always know that by people telling me.
Q Where were you living then ? A In Seowecscowee district.
Q Had you ever seen him before 1866 ? A I saw him when he was small.
Q How long did he continue to live in your neighborhood there ?
A He didn't live there very long.
Q Where did he go then ? A I guess he must have gone over to Big Creek, there's where I saw him next.
Q When did you see him next ? A Only a year after '66.
Q A year after '66 ? A Yes sir, nearly a year after I saw him I went to Big Creek and saw him there.
Q Was he living there ? A Yes sir, with his grandfather.
Q When did you see him again ? A I never saw him until he was working at Armstrongs.
Q When was that ? A In 1867 or '68.
Q When did you see him after '67 or 8 ?
A I have known him continuously.

Examined by Mr. Hastings:

Q Was he married when he was living at Armstrong's in '67 or 8 ?
A No sir.
Q He must have been grown in '67 or 8 ? A He was a young man.
Q Have any mustache ? A No sir.
Q About how old would you judge him to have been atbthat time ?
A I don't know; sixteen or seventeen years old; he wasn't younger than that.
Q Wasn't younger than that ? A I don't think he was.
Q That was about a year after you first saw him ? A Yes sir.
Q Who did he come with ? A Dave French.
Q Is Dave French living ? A Yes sir.
Q His mother living too ? A No sir.
Q What year is this Jim ? A Oh I don't know. Anybody aint ever told me
Q You don't know a single year on the calendar do you ?
A Not unless somebody told me.
Q Did Andy tell you about '66 the time he came back ?
A No sir.
Q You have testified in a good many cases ? A Yes sir.
Q You were on every foot of ground in the Cherokee Nation in 1866 weren't you ? A No sir.

Q You testified in the Walker Johnson case ? A Yes sir.
Q You were going across the country and bought tobacco here in 1866 ? A Yes sir.
Q You swore that; that you bought tobacco here in 1866, in the town of Muskogee ? A No sir it wasn't a town, it was a store there.
Q You bought tobacco here in 1866 ? A Right here.
Q You testified in the Fish Tail case ? A Yes sir.
Q You stated that you saw her in Wagoner in 1866 ?
A Right where Wagoner is now.
Q She stated a house was started up there six or seven years ago, and you said it was in 1866. How much are these people giving you to testify ? A Not a cent. Don't you see I haven't got anything.
Q Don't you testify for anyone that will give you a smoke ?
A That woman brought up on the stand was insane; you had no business putting her on the stand.
Q Where were you living when you saw this fellow first ?
A Andy Webber ?
Q Yes. How far from where he was living ?
A Well, it was near a mile.
Q You lived right there within a mile of him ? A Yes sir.
Q Had you planted your crop when he came ?
A I don't know; my recollection aint that good.
Q You don't know whether it was spring, or summer or winter ?
A It was warm weather. Because I went out and didn't get cold.
Q You don't know whether it was getting summer or winter ?
A Yes sir. My recollection aint very good. I had a good recollection about 1866.
Q How many years has it been since 1866 ? A I don't know.
Q Do you know what year comes before 1866 ? A Oh yes sir, I can count.
Q You are on a doubtful card yourself aren't you ? A Yes sir.
Q You aint enrolled on a straight card ? A I don't know; I can't read.
Q You are the one they call "Sheep" Jim ?
A Yes sir I am the man.
Q On which side of the river was this boy when you first saw him ?
A On this side.
Q The west side ? A Yes sir.
Q Where was he living when you first saw him before the war ?
A Near Flint where he lived then; when he was a little fellow.
Q How long before the war was it you first saw this fellow ?
A I can't tell you that.
Q As much as twenty years ? A No sir.
Q As much as ten ? A I can't tell; it aint worth while for me to tell you something that aint so.
Q You haven't got any judgment about anything except '66 ?
A Yes sir, such things as are in my reach.
Q As much as three years before the war ? A It might have been.
Q You don't know then where he was when the war came up ?
A I guess he was at his master's.
Q Don't you know yourself ? A He lived close by and I saw him myself
Q Where did you live before the war ? A Near Flint.
Q I thought you lived out by Choteau ? Where did you live when the war came up ? A Here at Prior Creek.
Q How far is that from where Andrew Webber lived then ?
A A good ways.
Q Forty miles ? A I guess it was.
Q It was further than that ? A I don't know; it was that far though, I suppose it was.
Q Have you ever refused to testify for any fellow in all this whole business ? A Yes sir.

Q Who have you ever refused to testify for for that would allow you ?
A You know that woman that called me on up yonder to testify for her, you haven't forget it.
Q Who was it ? A Liz; I told you "I don't know anything about it".
Q Who called you in ? If any one of these applicants on the outside ever asked you to testify for them you always testified didn't you ? A If I knowed them I testified, and if I didn't I wouldn't. I have refused several people because I didn't know them.
Q Where was Jerry Butler living at that time you first knew Andy Webber ? After the war ?
A Jerry was living right here among them.
Q On which side of the river ? A Sometimes on yonder side and sometimes on this side.
Q Oh, but when Andy Webber first came to the Cherokee Nation after the war, where was Jerry Butler living ?
A He had no place.
Q At any place that would be convenient to see these people ?
A Why yes sir, he lived just anywhere.
Q I am asking you where he was living at that time ?
A In Saline.
Q How far from Chateau ? A About six miles. He lived at Vanns.
Q How long did Andrew Webber stay there with his stepfather and mother when they first moved down there ?
A I don't think he stayed long.
Q How long; as much as forty years ? A I am going to quit the stand. No sir he didn't stay there forty years.
Q How long did he stay there ?
A A week. I knew he stayed a week, and maybe longer.
Q Where did he go then ? A To Big Creek where the other Webbers were.
Q Did you see him at Big Creek ? A Yes sir.
Q How long after he was down there ? A About a year.
Q How long after that before you saw him again ?
A A year or two.
Q Where then ? A Charles Armstrong's.
Q Where did he live ? A At the mouth of Big Creek.
Q Was that Delaware Charlie that lived at Goody's ?
A Yes sir. He kept him about three years, and got mad at him and run him off.
Q You were there then ? A Yes sir, I was there, and he would have killed him if he hadn't got away.
Q What year was that ? A Oh I don't know, it was in harvest time. That's all I know about him.

JERRY BUTLER, called as a witness on behalf of applicant, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Jerry Butler.
Q How old are you ? A Forty four.
Q What is your post office address ? A Chateau.
Q Are you acquainted with the applicant Andrew Webber ?
A Yes sir.
Q How long have you known him ? A Ever since the war.
Q Where was he living when you first learned to know him ?
A On Chateau Creek, close to Chateau.
Q Do you know whether he left the country during the war ?
A I don't know.

Q When did you first see him after the war ?
A I first saw him after the war down on Chateau Creek with his mother.
Q What year was that ? A Well it was in the fall of '66 or '67 that they moved across the river, and Jim Keyes said it was '67 when he was whipping his brother.
Q Was it in the fall of '66 or '67 ?
A I am not positive, it was one of those times. I asked Keyes what year it was he was whipping Bill, and he said it was in '67.
Q That was the first time you saw the boy ?
A No, I had saw him the fall before that.
Q When was the first time you saw him after the war ?
A That was in the fall of '66 or '67. It was one of those two, I don't remember which.
Q About how old a man was he then ?
A Andy was right young.
Q Younger than you or older ? A He was older than me, for I was just a boy.
Q Who was he living with ? A At his mother's; at the old house on the Choteau creek.
Q When did you see him the next time ?
A Over the river in Saline District.
Q How often have you seen him since the war ?
A I can't tell how often.
Q Have you seen him frequently since then ?
A Yes sir, off and on. He would be gone sometimes and I wouldn't see him for a year

Examined by Mr. Hastings:

Q You were born in 1858 ? A Yes sir.
Q You were eight years old in '66 ? A Yes sir.
Q Where were you living at that time ?
A I lived at Dr. McKnight's place.
Q If Dave French says he didn't bring these people here until '67, oughtn't he know more about it than x you ?
A I don't know Billy, I know just what I know.
Q If he says he didn't bring them here until '67, oughtn't he know more about it than you ? A I don't know what he knows.
Q You are willing to swear that it was in '66 or '67 ?
A I am going by what Jim Keyes says.
Q I don't want that. I want to know what you know of your own knowledge. If Jim Keyes wants to testify let him come in.
A I only asked him what year it was he was whipping this boy, and he said it was in '67, and I had met this young man before that.
Q You don't know how long before that ? A No sir, that's the reason I say I don't know if it was in the fall of '66 or '67.
Q Has this fellow lived up there all the time in that neighborhood ?
A Oh no.
Q Where has he been living ? A Over there on Big Creek.
Q How long did he stay up there ? A He stayed there until he got into trouble with Charlie Armstrong.
Q Then where did he go ? A I don't know.

ANDREW WEBKER, the applicant, re-called and examined, testified as follows:

Examined by Mr. Hastings:

Q You are the applicant are you ? A Yes sir.
Q Did you work for Charlie Armstrong ? A Yes sir.
Q Where did you go from Charlie Armstrong's place ? A To Big Creek
Q How far was he living from there ? A He lived on part of it I went up to a colored settlement and stayed there a few days, and left there and went across the land.

Q To Kansas ? A Yes sir.
Q How long did you stay up there ? A Something near about a year, as near as I can guess.
Q You are determined not to know any dates aint you ?
A I don't know any.
Q You are not going to give them under any circumstances are you ?
A If I knowed them I would give them.
Q When you came back from Kansas where did you go to ?
A Big Creek.
Q Was Charlie Armstrong living then ? A Yes sir.
Q Did you go into his neighborhood ? A No sir.
Q Who did you live with ? A Sam Webber.
Q Did you see Jerry then ? A Once in a while.
Q You lived with old man Sam Webber did you ? A Yes sir.
Q He was alive then ? A Yes sir.
Q Where did you go when you went to Kansas ?
A I went to Chetopa, and went from there to Fort Scott.
Q How long did you work at Chetopa ? A Something like five or six weeks.
Q How long at Fort Scott ? A Four or five months.
Q Where else did you go ? A I don't remember where all I did go.
Q I want to know that. Where did you go from Fort Scott ?
A I disremember whether I came back right straight from Scott to Big Creek, or where I went.
Q What other towns in Kansas were you in ? A Parsons.
Q How long did you work at Parsons ? A I didn't work there.
Q How long did you stay there ? A I stayed three or four days. I was at Oswego a time or two.
Q How long did you work there ? A Two or three weeks once.
Q Did you ever work anywhere else ?
A A good many places.
Q Give them to me ? Give me some of them ?
A I went to Wichita and worked there two or three weeks.
Q That's all your worked up there ? A That's all I remember.
Q Did you ever work at any other places up there ?
A Not that I know of.
Q Where were you living when the Karns-Clifton roll was made ?
A On Grand River, on Brushy there.
Q Are you married ? A Yes sir.
Q When were you married ? A I don't know just what year. I have been married somewhere near nine or ten years.
Q Who did you marry ? A Chloe Rogers.
Q Where did you marry ? A On Brushy.
Q Who married you ? A Judge Ross.
Q Where were you when the Wallace roll was made ?
A At my aunt's house.
Q Near Chateau ? A Yes sir.
Q Have you been living up there around Chateau ever since the Wallace roll was made ? A Yes sir.
Q Have you worked any in Kansas since then ? A No sir.
Q How far have you lived from Jerry Butler since the Wallace roll was made ? A I have been living there in the neighborhood all the time. I don't know how far it is.

JERRY BUTLER, re called, and examined, testified as follows:

Examined by Mr. Hastings:

Q Have you known this man since the Wallace roll was made ?
A Yes sir.
Q Has he been living there a bona fide resident for the past twelve years ? A He has been living there, I don't know how

long, ten or twelve years I reckon; I don't know how long it's been

Q You won't swear as to which, then ?

A Sometimes I am at home, or up close to Gaffeyville for a year, and sometimes at other places.

Q You know whether he was living as your neighbor there ?

A I know he did.

Q Has he been living there that long ? A I don't remember.

Q When did he get back from Kansas this last time ?

A I don't know.

Q You know he has been up in Kansas ? A Yes sir. I knowed he had been some where.

Q When did he come back from Kansas ? The other day ?

A He couldn't come back the other day.

Q Don't evade it; when did he come back to that neighborhood ?

A It's been a long time, and I don't know.

Q About how long ? A Ten or twelve years ago.

Q Has he resided there continuously, straight along all the time from that time ? A Ever since he came back he has been there; at least when I went away and come back I found him there. He went to Nowata once.

Q How far does he live from you now ? A About a mile and a half straight through, across the river; about two miles the way you have to go.

W. W. Hastings: The Cherokee Nation asks that the testimony of Dave French, the stepfather of applicant, taken in the case of George Starr, Freedman D 813, be introduced and made a part of the record in this case.

The Commission: The request of the attorney for the Nation will be complied with, and the testimony will be filed and made a part of the record in this case.

---Andrew Webber applies for the enrollment of himself as a Cherokee Freedman. He is not identified upon the roll of 1880, the census roll of 1896, nor the Kerns-Clifton roll. He is duly identified upon the Wallace roll of Cherokee Freedman.

For the reason that the applicant is not identified on the three rolls mentioned, his name will be placed upon a doubtful card, awaiting the further consideration of the Commission.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this July 8, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 27 1902
ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN

50

Date June 30, 1908

Post Office Chelsea I.T.

District Saline

1. Name Andrew Delaney Age

Owner's name Robin Dulaney Citizenship Cherokee

Year Dawes Page 148 No. 3086 District Saline

Parents:

Father Robin Dulaney Citizenship Cherokee by blood

Mother Emma " Citizenship Freedman

2. Name of wife Age

Owners name Citizenship

Year Page No. District

Parents:

Father

Mother Citizenship

Citizenship

Names of Children:

		Year	Page	No.	Dist.
3.	Dorothy Lee				
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

Application made by Dan Dwelliver witness Andy Robinson

Stenographer

-To be filed with Cher. Freed. D 1124

Department of the Interior,
Commission tothe Five Civilized Tribes,
Nowata, I. T., June 22d 1901.

In the matter of the application of George Starr, for the enrollment of himself and one child as Cherokee Freedmen; he being swornby Commissioner T. B. Needles testified as follows:

Mellette & Smith applicantâs attorneys
W. W. Hastings Cherokee representative.

.....

DAVE FRENCH called ans sworn as a witness for the applicnt testified as follows-

By Mellette-

Q What is your name? A Dave French.
Q What is your age? A 72.
Q Where do you live? A Down on Virdigris river, in Goose neck Bend, this side.
Q In the Cherokee Nation? A yes sir.
Q Are you a recognized Cherokee freedman? A Yes sir.
Q Do you know this applicant? A yes sir.
Q How long have you known him? A Ever since he was a boy.
Q Was he a slave? A yes sir he was Zeck Starr's Slave.
Q Was he a Cherokee Indian? A yes sir.
Q Where was this applicant taken during thewar? A To Kansas.
Q When did he come back? A In the fall of '66.
Q How do you know? A He Come with me.
Q Where did he go when he dome that time? A I left him at Tom Riders on Grand river, uncle Billy Loodey lived there then.
Q Where has he been since? A On Lightening creek and 14 Mile creek

By Hastings-

Q Where did you first see this applicant just before the war? A In Flint District.
Q How far from you? A 6or 7 miles.
Q Where did you next see him? A During the war in Kansas.
Q Near what town? A Neosho Falls.
Q Did he come with you when you come? A yes sir.
Q Did he come with you when you come with your family? A When I brought my sisters andthe Naves, they were along.
Q Did you have your family with you then? A No sir.
Q Di he have any family then? A No sir.
Q Single? A yes sir
Q Was his mother in Kansas then? A I dont know.
Q You left him with uncle Billy Loodey? A yes sir.
Q You didn't testify for him before the Kern Clifton Commission? A No sir.
Q You had been down here before you brought him had you? A Yes sir
Q How man trips had you made before you brought him? A I dont kno
Q Had you made several? A I dont know, cant tell you.
Q How long was it unti. yousaw him again after that? A I saw him several times after tha t.
Q Were you married when you came down with him. A I told you before how it was, every time I come up here you ask me that,
Q I want to know this time if you were married then? A yes sir I had a woman.
Q Where was that woman when youbrought this boy down? A She was in Fort Gibson during the war and thenshe went to Fort Scott.
Q How long did she stay in Fort Scott? A I think she staid there unti l the spring on '67.

Q Did you bring her back then? A Nos ir I didn't bring her back, some one else brought her back to me on Grand river after I got settled.
Q In what stéément? A Onthe Ma rtha Vann place.
Q On this side or on the other side of the river? A On the other side.
Q In Saline district? A Yes sir.
Q Who was it brought her back? A I think it was Houston Rogers, she said that he brought her back.
Q Is that the wife you are living with now? A No sir.
Q Where did you marry this woman that you are living with now?
A In Wichita Kansas.
Q Is her name Lucinda? A Carolina, Lucinda is dead.
Q Who was it brought Lucinda Back? A I said that she told me that Houston Rogers brought her back, I told her to hire some one to bring her back, as I wouldn't have time to od it myself.
Q Did you have a sisters named Linda? A My sisters was named Jennie Nave and Eveline Nave.
Q Did you stay on the Martha Vann place in 67? A yes sir.
Q You and Lucinda? A Yes sir, they brought her in '67 on Spring creek and we moved then to the river.
Q Who carried this woman up to Kansas the first time? A I did.
Q How long was that before she returned? A In the summer of '66,
Q You say she was in Fort Gibson? A Yes sir she was out with a hay outfit when they was cutting hay?
Q Who was cutting hay? A The Government.
Q Whn was that? A In August I guess.
Q Who else was along? A When I took her to Kansas?
Q Yes? A Linda.
Q Lind who? A My wife's sister.
Q Did you take her children with her? A Yes sir.
Q How many? A I dont remember.
Q You dont remember your wife's childrenthat were along with her?
A I dont remember I guess she had them all.
Q Wo you know? A There wasn't any left Idont think.
Q Who were they? A Bill, Andy, Jenny, Caroline, Ellen, Louda.
Q Is that all? A Jim.
Q Any one else? A Eli, wasn't born?
Q Where was the oldest child born? A On Sallisaw, in Flint.
Q Where was to youngest one by that wife born? A In the Spring on '76.
Q Where? A On Grand river.
Q The the time you brought this mand down here, where was your wife? A She was back up there at Fort Scott.
Q What was you doing going up there, back and forth? A Hauling folks
Q What did this man pay you for hauling him down? A I dont know.
Q Hauled him free didn't you? A I expect I did, I dont know.
Q And your wife was in Kansas? A Yes sir.
Q From whatteen did you start with this fellow? A From Neosho falls
Q How far is that from Fort Scott? A 30 or 40 miles may be, I dont know as I didn't measure the miles from there to Fort Scott.
Q And you think it was 30 or 40 miles, and you was that far from your wife out hunting up Cherokee freedmen and hauling them free to the Cherokee Nation were you? A Yes sir I was hauling people back home, that was my business up there.
Q How long did you stay with your wife when you took her back to Fort Scott? A I dont know.
Q You know more about this fellow than you did about your wife?
A. (No response)
Q Who did this fellow stay with on 14 Mile creek? A With Mose Nave.
Q Were you ever there after the war and saw this man there? A Yes sir.

Q When was that? A In '67 or '8
Q And he was there then? A Yes sir.
Q Do you know who married this man the first time? A No sir.
Q Who married him the next time? A I dont know.
Q How far do you live from him now? A I live on Goose Neck Bend and he lives on Lightening Creek.
Q How long has he been living on Lightening creek? A I dont know

By Mellette:

Q When you brought this applicant George Starr, who of the Naves came with you? A My two sisters, and Moses Nave and his wife.
Q Did the Nave Boys, George, Dave and Ruben come with you?
A No sir they came before that in the spring and were on 14 Mile creek then.

Continued by Stenographer M. D. Green this 22d of June, 1901.

Chas. von weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise

Subscribed and sworn to before me this the 8th dz July, 1901.

(Signed) T. B. Needles

Commissioner.

I, Finis M. Nicholas, as stenographer to the Commission to the Five Civilized Tribes, on oath states that the foregoing is a true and perfect copy of the original testimony as the same appears of record in the files of the Commission.

Finis M. Nicholas

Subscribed and sworn to before me this December 6, 1902.

B W Jones
Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 1 1902

ACTING CHAIRMAN

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Geo. Starr, D 813;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and swron to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedmen D 1124.
" " D 851

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Andrew Webber et al., as Cherokee freedmen.

O R D E R.

It is ordered that a copy of the testimony of David French, taken at Chelsea, Indian Territory, on June 8, 1901, in the case of Malinda Webber, Cherokee Freedmen D 609, be filed with and made a part of the record in Cherokee Freedmen cases, Andrew Webber, C. F. D. 1124, and Mary A. Webber et al., C. F. D 851.

Commissioner.

Muskogee, Indian Territory,
June 24, 1904.

Cherokee Freedmen D-609.

Department of the Interior,
Commission to the Five Civilized Tribes.
Chelsea, I.T. June 8th 1901.

In the matter of the application for the enrollment of Malinda Webber as a Cherokee freedman.

DAVID FRENCH, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A David French.
A How old are you? A 72 years old.
Q What is your postoffice? A Lenapah.
Q How long have you lived in the Cherokee Nation?
A I have lived in it all my lifetime, come from Tennessee here.
Q Were you out during the war? A Yes sir, I was out and in.
Q Were you a slave in the Cherokee Nation when the war broke out?
A Yes sir.
Q To whom did you elong? A Frenchs'.
Q Give me the full name of your Master or Mistress at the time the war broke out? A Bob French.
Q Have you a wife? A Yes sir.
Q What is her name? A She is maned Caroline.
Q She is not your first wife? A No sir.
Q What was your wife before this one. A Lucinda.
Q Do you know this applicant here? A Yes sir.
Q Was your first wife, Lucinda, a sister to her?
A Yes sir, she was her sister.
Q When did you marry your wife, Lucinda? A In time of the war
Q Where was it you married her? A At Bigson.
Q Was that in the early part of the war? A Yes sir.
Q Well, where was she taken during the war? A She was up in Kansas.
Q What time did you come from Kansas.
A I come back in the latter part of '66.
Q Did your wife, Lucinda, come with you. A Yes sir.
Q Who else camewith you?
A This woman and her mother and my woman and her children.
Q Now, you and your wife, Lucinda, are both, your former wife, Lucinda, are both found on the roll of 1880? A Yes sir.
Q Can you explain why this woman is not found on the roll of 1880?
A I can't; sometimes she was with me and sometimes she was not.
Q Have you kept the run of this woman pretty much ever since she came back from Kansas? A No, sir, I ain't.
Q When did you meet this woman before to-day; when was the last time you met her before this place? A Now I can't tell you exactly, sometimes she comes, she comes while her sister was living, but her sister is dead.
Q Howlong has her sister been dead? A Over a year.
Q When was the last time you saw this woman. A About a year ago I guess it has been that long, and it may not be that long.
Q What did you see of her from the time she came back from Kansas a little child? I want to know of her and what you have seen of

her between the time when she came back from Kansas down to the time that your wife died, her sister, now tell me that?
Q. Well, I would see her every once in a while; sometimes I would not see her for a year or two, and sometimes I would see her shorter; sometimes she would be off and sometimes she would be back to see me.
Q What would be the longest time that would pass when she got to be a pretty well grown girl that you would not see her?
Q Well, sometimes I wouldn't see her for six months or so and sometimes not for a year.
Q Never for a longer period than for a year?
A What is about as long as I never hear of her.
Q Where did she make her home from the time she came back from Kansas until she married? A I don't know, sometimes I would hear of her about Tahlequah working and sometimes I would not hear.
Q Do you know where her childhood was spent?
A Her childhood was spent in the Nation, she was most a young woman as soon as the war come up.
Q How big was she when she came back after the war with you?
A She was a young woman.
Q She hadn't married? A No sir, she hadn't married.
Q How long after she got back from Kansas was it before she married do you know?
A I could not tell you.
Q Do you remember distinctly her appearance when you brought her back from Kansas? A No sir.
Q Don't you remember how old she looked and how old she seemed to be when you brought her back from Kansas?
A Yes sir, she was a young woman.
Q Old enough to be married? A Yes sir.
Q You know that do you? A I think so.
Q That is the impression of your mind? A I couldnot tell you whether she was old enough to marry, it has been a good while.
Q She was a young woman? A Yes sir.
Q Well, did she begin to work out and be away from you and your neighborhood and go todifferent places soon after she came back from Kansas? A Yes sir.
Q Has it been that way from then on down to now? A Yes sir.

BY MR. MELLETTE:

Q Well, Dave, you are on the 1880 roll are you not? A Yes sir.
Q Where did she live after she came back from Kansas in 1866, where did she stay at first? A She stayed with us.
Q Well, how long?
A I don't know; some three of four years, four or five years.
Q Then she left you and went out to work? A Yes sir;
Q And she came back to visit you every six months or a year?
Q Yes sir, every once in a while.
Q You heard of her at Tahlequah? A Yes sir.
Q Any otherplace in the Nation did you hear of her working?
A Sometimes I heard of her at Muskogee a time or two working.
Q Do you know her sister Rachel? A Yes sir.
Q Did she come back with you? A No sir, she didn't come back with me.
Q Did Lou? A No sir.
Q She didn't come back with you? A No sir.

BY MR. DAVENPORT:

Q Is Rachel and Lou both dead or alive? A No sir.
Q Then did you hear of this woman out anywhere else except Tahlequah and Muskogee? A No sir.
Q You never heard of her while you were living in Texas? A No sir.
Q The fact is, you haven't known much about her after the war?
A Yes sir.
Q Don't you know that she lived two or three years longer in Texas? A She may, I don't know, I never did inquire.
Q You never heard of her? A I never went around any.
Q Her sisters that are older are dead ? A Yes sir.
Q Didn't her family and all with you come together?
A Yes sir, she come with me.
Q Where was her mother and sisters at the time you came back?
A I don't know.
Q They were grown girls ? A Yes sir.
Q How old was t is woman when you came back?
A She was about a young woman when we come back.

I, the undersigned, being first duly sworn state that as stenographer to the Commission to the Five Civilized Tribes, I copied the above and foregoing testimony and that the same is a true and correct copy of the original,

Mattie E. Dillard

Subscribed and sworn to before me this 27th day of June, 1904.

Charles H. Sawyer
Notary Public.

Cherokee Freedmen D 1124
" " D 851.

DEPARTMENT OF THE INTERIOR,
COMMISSIO TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Andrew Webber et al., as Cherokee freedmen.

O R D E R.

It is ordered that a copy of the testimony taken at Nowata, Indian Territory, on June 28, 1901, in the case of William Webber, Cherokee Freedman D-928, be filed with and made a part of the record in Cherokee Freedman cases, Andrew Webber, Cherokee Freedmen D-1124, and Mary A. Webber, et al., Cherokee Freedmen D-851.

Commissioner.

Muskogee, Indian Territory,
July 28, 1904.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
NOWATA, I.T., JUNE 28th, 1901.

In the matter of the application of William Webber for enrollment as a Cherokee Freedman; said Webber being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, for Applicant,
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A William Webber.
Q How old are you? A About 51.
Q What is your post office? A Dewey.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself only.

BY MR. SMITH:

Q Mr. Webber, where do you live? A Dewey.
Q How long have you lived in the Cherokee Nation? A I have lived here since '66.
Q Were you a slave? A Yes, sir.
Q Whom did you belong to? A Robert Webber.
Q Was Robert Webber a Cherokee Indian? A Yes, sir.
Q Was he a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q Where did he live? A Lived in Flint District, at Webber's old Sawmill.
Q In the Cherokee Nation? A Yes, sir.
Q Was he living there at the time the war commenced? A Yes, sir.
Q Where were you living at the time the war commenced? A I was there at home with him.
Q Were you taken out or did you go out of the Cherokee Nation during the war? A I went out a little while, about two or three years.
Q Where did you go to?A Went up into Kansas.
Q When did you return to the Cherokee Nation? A I returned in 1866.
Q What time in 1866? A Along about the middle of the summer.
Q Where did you come to, what part of the Cherokee Nation?
A Up there about Chetopa, Kansas, first.
Q What place did you come to after you got into the Cherokee Nation? A We just stopped along one place and another; the next place I stopped was on Pryor's Creek and we finally worked on down to Spring Creek.
Q Where do you live now? A Up about Dewey.
Q After you come down here in '66 how long did you stay about that place? A I stayed two or three years down about Spring Creek.
Q When did you come up in this part of the country close about Dewey? A I think it was '74.
Q Where have you been living since '74? A Right there where I am now.

BY MR. HASTINGS:

Q Who returned with you after the war? A My mother and all her children and step-father.
Q Dave Franch? A Yes, sir.

Q He is the man that brought you down? A Yes, sir.
A Now what brothers did you have? A Had Andy Webber and James Webber and got two younger brothers, half brother, Eli French.
Q Dave French's child? A Yes sir.
Q What is your mother's name? A Lucinda French.
Q And you say you stopped a while on Timbered Hill?
A Yes, sir, and finally went on and next stopped here at Pryor's Creek.
Q How long did you stop at Timbered Hill? A I don't remember; about a month.
Q Anybody living up there at that time? A I didn't see anybody.
Q You just camped around there did you? A Yes, sir, and made next stop on Pryor Creek.
Q About what time of the year was that? A Along latter part of the summer or Fall.
Q How many wagons did you have? A We only had one of our own.
Q How long had you known Mr. Freonh at that time? A I just got acquainted with him there at Gibson in '63.
Q Did he go out with you up there? A He might have went with the family, I didn't go with the family, I was teaming backwards and forwards and went by myself.
Q How long had he been with your mother and family before you come down here? A He was up there off and on.
Q How long had you been with the family? A About three years I stayed up there.
Q Was he up there during that time? A He was up there backwards and forwards.
Q How long had he been there immediately before he came down here;
A He was backwards and forwards down here in the Territory.
Q Now, where did you go to when you come down here after you left Timbered Hill? A Went to Pryors Creek.
Q At whose house? A Didn't go to anybody's house.
Q Just stopped on the prairie? A Campted on the Creek.
Q Dave French was along with you? A No, sir, he was not with us at that time.
Q Where had he left you? A I don't remember him being there at the time.
Q Did he move down with you? A He started with me.
Q Where did he quit you? A I don't remember where it was.
Q He was your mother's husband at that time wasn't he?
A Yes, sir, but he ha another wagon with some other folks.
Q Do you remember who they were? A No, sir.
Q Didn't know them? A No, sir.
Q Did he camp with you out at Timbered Hill? A He was there a while, we wasn't with him all the time.
Q You came through Chetopa as you come down? A Yes, sir.
Q Wasn't any railroad there then? A No, sir, wasn't any town nothing but a little log hut there was all the house I seen had the name and just one house.
Q You remember it then? A I remember the log hut.
Q Do you remember who was living there? A Yes, sir.
Q It had the name at that time? A Had the name, Chetopa.
Q Did you buy any goods there? A No, sir.
Q Did they have any goods for sale there? A I don't think there was a family living in the house at that time.

Q Where did you settle down and live here? A We stayed on Spring Creek the first settlement we made.
Q When was that? A It was along late in the fall.
Q When did you see L. D. Daniels first after you came back?
A I saw Daniels.
Q At Gibson, didn't you? A Yes, sir, horseracing.
Q Issuing out rations? A No, sir.
Q You didn't apply to him for rations? A No, sir.
Q Did you see him standing on the bank of the river as you crossed the river? A No, sir.
Q Where did you see him? A In Town.
Q Anybody's house? A No, sir, just in town.
Q What time of the year, how long had you been down to Spring Creek? A We hadn't been there but a little while.
Q How old are you now? A 51 years old.
Q What were you doing down to Fort Gibson? A I was just knocking around wherever I could get work.
Q At whose place did you stop there? A With old man Vann, kept a boarding house there.
Q Ervin Vann? A Yes, sir.
Q Polly Ross wasn't cooking there at that hotel, Polly Nivens?
A I didn't see her.
Q How long did you see L. D. around down there? A I saw him there in '63.
Q I mean this last time after you come back? A I saw him there several times around there.
Q When did you see Sam Webber first after you got back?
A I met him on the road.
Q Where did you meet him? A Horse Creek, we was camped there.
Q Which way was he going? A I think he was going north.
Q You didn't introduce either Sam Webber or L. D. Daniels before, did you? A No, sir, I used French.
Q Used Dave French? A Yes, sir.
Q Where did you marry? A I married up there where I am now.
Q When? A In '80, spring of '80.

SAM WEBBER, being duly sworn by Commissioner Needles testified as follows: BY MR. SMITH:

Q State your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live. A Two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Recognized citizen? A Yes, sir.
Q Do you know this applicant, William Webber? A Yes, sir.
Q How long have you known him? A Ever since we could remember one another.
Q Was he a slave? A Yes, sir.
Q Whom did he belong to? A Rob Webber.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Where was he living when the War commenced? A Little creek called Caney out west of where we lived.
Q Where was this applicant, William Webber, living at that time.
A Living there with him.
Q Do you know whether William Webber was out of the Cherokee Nation during the war? A Yes, sir.
Q Do you know when he returned to the Cherokee Nation during the war? A The first I noticed of him, I noticed him the latter part of August, '66, up there on Horse Creek.

Q Did you see him once or more than once there? A Only once there.
Q When did you see him next after that?A I saw him; it was either a year or two years after that down on Pryors Creek.
Q Where is he living now?A I was never at his house, he tells he he lives out west of here.

BY MR. HASTINGS:

Q You don't remember seeing him on Horse Creek five years ago did you, Sam? A I wasn't his witness, I would have remembered it if I had been his witness.
Q You are the man that went down to Fort Gibson in 1865? A Yes, sir.
Q And your father and some other people went up to see Chief Downing? A Yes, sir.
Q And you are the man that got some woman and come up here and spent the winter of '65 and 6? A Yes, sir.
Q You didn't have occasion to tell that before the Kern-Clifton Commission before? A No, sir.
Q You had been down here when you et this man? A Yes, sir.
Q Were you on your way back? A Yes, sir.
Q Who was with you? A When I was going back?
Q Yes. A The crowd that built over there on the Creek.
Q What time in the year was it? A Along in August, some time in the latter part as well as I can remember.
Q You met them on Horse Creek? A Yes, sir.
Q Who was with him? A His mother and brother.
Q What other brother? A Andy Webber.
Q Did he have a sister? A Yes, sir.
Q Older or younger? A Older.
Q Who else? A His mother.
Q Who else? A Man by the name of Dave French.
Q Well, was anybody else along? A His Aunts.
Q What were their names? A Rachel and one, Linda.
Q Rachel what? A Rachel Webber.
Q And Linda Webber?A Yes, sir.
Q That was all that was in that crowd? A His sisters, his sister.
Q Well, just what you mentioned? A Yes, sir.
Q Were they camped there? A They was in the wagons.
Q You passed them in the wagons? A Stopped and talked to him.
Q How long didyou stop? A Might have stopped an hour or so?
Q How many wagons did they have? A I never noticed but one.

L. D. DANIELS, being duly sworn by Commissioner Needles, testified as follows:

BY MR. SMITH.

Q What is your name? A L. D. Daniels.
Q Where do you live? A Claremore.
Q How old are you? A 56.
Q Do you know this applicant, William Webber?A Yes, sir.
Q How long have you known him? A I have been knowing him a good while.
Q Did you know him before the war? A I got acquainted with him to Fort Gibson.
Q When did you first get acquainted with him? A I think it was in September or October, '66.
Q Did you see him once or more than once at Fort Gibson?
A I saw him there more than that one time; the first time I met him, we was on the race track and I met him with Rube Still on the race track.

Q When did you next see him after that time? A I think it was in '71.
Q Where did you see him then?A At Timbered Hill, with Rube Still, 12 miles southeast of Claremore.
Q When did you see him next after that? A I have been seeing him frequently after '76 up where I live up here.
Q How far does he live from you? A About 18 miles I guess.
Q How long has he been living there?A About 25 years or more.
Q Who was his mother? A Cinda webber.

BY MR. HASTINGS:

Q You never saw him before the war? A Not of my knowledge.
Q How old was he when you saw him about Fort Gibson?
A I don't know; looked like a young man.
Q About grown? A A young man.
Q By himself? A Yes sir; he was with Rube Still on the race track.
Q That is the first time you ever saw him?A Yes, sir.
Q Big Crow d of people there? A Yes, sir.
Q And for 35 years you have rtained it in your memory that you saw him up there?A Yes, sir.
Q You remember every one you saw then?A When L. D. lays eyes on them he pretty near knows them.
Q You are willing now to swear that you saw him 35 years ago ?
A Yes, sir.
Q Were you issuing rations at that time?
A I wasn't at that time, I was betting money on the race track.
Q You had a lay off? A We wasn't at that time.
Q You saw him there at that one time?A I saw him there several times.
Q He stayed with Rube Still all the time?A No, he was around there with another man, Steve Smith.

WILLIAM WEBBER, the applicant, recalled. BY MR. SMITH:

Q Do you know whether your name is on the roll of 1880 or not?
A It was put on there and afterwards ir never could be found.
Q What was your mother's name?A Lucinda Webber, and she married French and went by his name.
Q Do you know whether Lucinda French's name is on that '80 roll or not?A Yes, sir I think it is.
Q Was she a slave? A Yes, sir.
Q Whose slave was she?A Robert Webber.
Q Same man that owned you? A Yes, sir.
Q Now when did she come back to the Cherokee Nation?
A When I did.
Q Now you say you think her name is on the roll of 1880?
A I know it is.
Q Who was Lucinda French's husband?A Dave French.
Q David French?A Yes, sir.

The 1880 Authenticated roll of Freedmen of the Cherokee Nation examined and name of applicant's mother found thereon page 106, # 1122, Linda French, Cooweescoowee District.

Q Now where were you living in 1880? A I was living right where I am now.
Q Did you know another Linda or Lucinda French? A No, sir; that is the only one I know of, I have an Aunt Malinda webber.
Q Was any other David French married to Lucinda French?
A Not that I know of.
Q You live now in Cooweescoowee District? A Yes, sir, I do.

L.D. DANIELS recalled: BY MR. SMITH:

Q Mr. Daniels, what did you say the name of this applicant, William webber's mother, was? A Lucinda
Q Lucinda what? A Webber.
Q Did she ever have any other name besides Webber?
A Not that I know of.
Q Di you know who she was married to? A French.
Q Well did she go by the name of Lucinda French? A Yes, sir.
Q When was she married to French? A I don't know, long time.
Q Do you know whether the Lu-cinda French, who was the mother of this applicant, was ever enrolled upon the roll of 1880 or not?
A I think so.
Q Well, do you know whether this man ever made any effort or whether he applied to be placed upon the 1880 roll, William webber?
A He was at my house and I counted them up to have them registered; the census takers stayed at my house three days and sent me out to get the neighbors to come to register and in going to get the neighbors ~~xxxxxxxxxxxxxxxxxx~~ I told him and told him to tell his mother.
Q Do you know of your own knowledge whether his name was ever taken or not? A No, they was all in the house, they would go in the house one by one.

BY MR. HASTINGS:

Q Where did this man living then in 1880? A Living out on Coon Creek.
Q Was he married then? A I don't know whether he was or not.
Q Was he living sepperate and apart off to himself? A He was working over on Coon Creek and then he would come in home to his mother's every once in a while.
Q Who was he working for? A For Delewares he told me.
Q Where did you see him? A At Gooseneck bend, below Gooseneck Bend.
Q What time of the year? A In the spring.
Q Where did you see his mother at that time? A She lived in three miles of me.

WILLIAM WEBBER, the applicant, recalled: BY MR. SMITH:

Q Mr. Webber, did you ever have any business in the Cherokee Courts? A No, sir, I never had any since I have been back in the Cherokee Nation, never had any occasion.
Q I will ask you if you ever had any trouble with Harry Still?
A Yes, sir, I did.
Q What kind of trouble? A Me and him got into a shooting scrape and he shot me and wounded me.
Q Do you know whether the Cherokee Courts tried Harry for shooting you? A No, sir, they never done anything about it.
Q Do you know whether any action was taken? A No, sir.
MR. HASTINGS: The records ought to show that.
COM'R MEEDLES: We have thrown away the records a long time ago.
Q Can you state as to whether any complaint was ever made in the Cherokee Court against Harry Still for shooting you? A I don't think there was, not as I know of, I never heard of any.

BY MR. HASTINGS:

Q Your mother married Dave French who was a recognized citizen?
A Yes, sir.
Q She was living with him in 1880? A Yes, sir.

Q And he did the enrolling for his family? A Yes, sir, guess so.

BY COM'R NEEDLES:

Q Is your name on any of the rolls of the Cherokee Nation?
A On the Wallace roll and Clifton Roll.

BY MR. SMITH:

Q How old were you when you come back here after the war?
A I don't remember, I was about 16 years old I reckon.
Q When you came back here after the war? A Yes, sir.
Q Came back here with your mother? A Yes, sir.
Q Been living here ever since? A Yes, sir.

The1880 Authenticated Roll and 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 164, #4664, William Webber, Cooweescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 150, #3131, Wm. Webber, Cooweescoowee District; "Child of Linda French, #5, Cooweescoowee District."

COM'R NEEDLES: William webber applies for the enrollment of himself. He avers that he is the son of Lucinda webber who marriedone David French. He was the slave of Robert Webber and was taken to Kansas during the war and returned in 1866. He cannot be identified upon the authenticated roll of 1880 or census roll of 1896, but he is fully identified upon the Clifton and Wallace rolls. He avers that he returned to the Cherokee Nation with his mother, and at that time was 16 years of age. The name of his mother, Lucinda French, is found upon the authenticated roll of 1880 and identified as the mother of the applicant. He avers that he has been living in the Cherokee Nation ever since. It appears to the Commissioner that the testimony is plain and conclusive that the said William Webber is entitled to be listed for enrollment as a Cherokee Freedman but because of the protest of the Cherokee Nation, he will now be listed for enrollment as a Cherokee Freedman upon a doubtful card.

---eee000eee---

J. O. Rosson, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this the 16th day of July,1901

(Signed) T. B. Needles,
Commissioner

Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing and that the same is a true and complete copy of the original transcript.

Edith L. Morey

Subscribed and sworn to before me this the 29th day of July,1904

Charles Hatawyer

Notary Public.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Andrew Webber et al., as Cherokee freedmen, consolidating the applications of:

Andrew Webber	Cherokee Freedmen D 1124
Mary A. Webber et al	Cherokee Freedmen D 851

D E C I S I O N.

The record herein shows that application for enrollment as Cherokee freedmen were made to this Commission by Andrew Webber for himself; and by Mary A. Webber for herself, her minor children, Rachel, Andy and Katie Webber, and her minor ward, Charley Smith. Copies of the testimony taken at various times in the cases of Edward Wright, Cherokee Freedmen D 818, Elizabeth Meigs, Cherokee Freedmen D 813, Joe Ross, Cherokee Freedmen D 350, Aaron Webber, Cherokee Freedmen D 216 and Malinda Webber, Cherokee Freedmen D 609 are filed herewith and made a part of the record herein.

The evidence shows that Andrew Webber was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation but returned thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs The Cherokee Nation et al., for the return of freedmen to said nation. It further appears that all the other applicants herein are the children and grandchildren of said Andrew Webber, and claim the right to enrollment as his descendants.

The evidence further shows that said Andrew Webber has lived continuously in the Cherokee Nation since his return thereto, with the exception of a temporary absence in the State of Kansas, and that the other applicants have lived continuously in said Nation since birth.

It is, therefore, the opinion of this Commission that Andrew Webber, Mary A. Webber, Rachel Webber, Andy Webber, Katie Webber and Charley Smith should be enrolled as Cherokee freedmen,

in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this Nov 5 1904

D E P A R T M E N T O F T H E I N T E R I O R,

Commission to the Five Civilized Tribes,

Muskogee Indian Territory.

In the matter of the application for the enrollment of Andrew Webber et al as Cherokee freedmen consolidating the cases of

Andrew Webber F. D. 1124
Mary A Webber et al F. D. 851.

A P P E A L.

Comes now the Cherokee Nation and most respectfully protests against the Decision of the Commission to the Five Civilized Tribes of date November 5th 1904 and asks that the same be forwarded to the Honorable Secretary of the Interior for Review.

The testimony of the applicant in his own behalf as is shown from the examination and cross examination very unsatisfactory.

His name is not found upon the Wern&Clifton Roll and although a large amount of money was to be paid out upon that roll, he, realizing that he wasnot entitled he did not appear before the Commission at that time and make application.

Near the bottom of the second page of the principal applicants testimony (Andrew Webbers') he states that he came back to the Cherokee Nation along with Dave French when Dave brought his wife Lucinda down to the Cherokee Nation, and in answer to the question" "That was in the spring of the year wasn't it?" he answered "Somewhere near that time."
"Q Buds were coming out on the trees werent they?"
A " I don't say for certain"
"QYou knew it was in the spring? ?" A "Yes sir."

The next witness to testify was Sheep Jim Alberty who has been thoroughly discredited before the Commission and about whom we have had occasion to refer in our General Freedmen Brief wherein we have called attention to a number of cases where he has been thoroughly contradicted by reputable witnesses and the cross examination in this case shows cases wherein he has been contradicted and among these that of the Walker

Johnson wherein he testified that he saw him in 1866 while he (Jim Alberty was on his way to the town of Muskogee when it was a well known historical fact that the town of Muskogee was not starteduntil 1871 or 1872.

The next witness tends to corrobbrate the applicant himself. Now it will be seen that the applicant swears that he came in the spring and that he came the Spring Dave wrench Brought his wife back to the Territory. Jerry Butler is uncertain whether it was in 1866 or 1867 and if he is uncertain clearly it must have been in 1867 because all doubts are resolved in favor of Freedmen applicants by Freedmen witnesses and we know that Jerry would have been only too willing to have testified to his return in 1866 if he had not been afraid the opposite would have been proven

In order to show when Lucinda French really returned to the Cherokee Nation the testimony of Dave wrench in F. D. 813 was asked to be introduced and made a part of the recordin this case and on the bottom of the first page of Dave wrenchs testimony F. D. 813 being that of the application of George Starr he admits that Lucinda, his wife, wid not return to the Cherokee Nation until 1867 and he also states that she came to grand river to the old Martha Vann place, the very same place to which Andrew Webber claims to have returned.

Now to recapitulate, Webber himself admits that he returned in the Spring of the year. His only reliable witness Jerry Butler is undrtain whether it was in 18 6 or 1867 but Webber is certain that he returned with Lucinda French and that he returned to Grand River and Dave wrench Swears that his wife Lucinda did return to Grand river but that she did not come until the spring of 1867 and if these facts are true the applicant returned too late to qualify under the treaty and is not entitled to be enrolled.

Again attention is called to the fact that this applicant did not apply to the Kern-Clifton Commission to be enrolled and did not apply for a large sum of money that wasto be paid out upon that roll which tends to corroborrate the position taken by the Cherokee Nation, that the applicants are not entitled to be enrolled as citizens of the Cherokee Nation.

We submit therefore the the Commissions decision is erroneous and should be reversed.

Respectfully,
Bell, Hastings & Davenport,
By W. A. Carr
Attorneys for the Cherokee Nation.

COPY.

Cherokee Freedmen

D-1184 D-351.

Muskogee, Indian Territory, November 8, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 5, 1904, granting the applications for the enrollment of Andrew, Mary A., Rachel, Andy and Katie Webber and Charley Smith as Cherokee freedmen.

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicants. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Encl. S-18.

COPY.

Cherokee Freedman
D-1124.

Muskogee, Indian Territory, December 3, 1904.

Andrew Webber,

Choteau, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision dated November 5, 1904, granting, among others, your said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorneys for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGN. Tams Bixby.
Chairman.

Incl. S-25.
Register.

COPY

Cherokee Freedmen
D-1184 D-881.

Muskogee, Indian Territory, December 3, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Andrew, Mary A., Rachel, Andy and Katie Webber, and Charley Smith, as Cherokee freedmen, together with the Commission's decision dated November 5, 1904, granting said applications.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is herewith inclosed.

Respectfully,

Chairman.

Incl. S-27.

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following:

OFFICE OF INDIAN AFFAIRS,

Land.

WASHINGTON, December 9, 1904.

85040-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated December 3, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Andrew Webber for himself; and by Mary A. Webber for herself, her minor children, Rachel, Andy, and Katie Webber, and her minor ward, Charlie Smith.

November 5, 1904, the Commission decided favorably to all the applicants.

The evidence shows that Andrew Webber was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during said war he left the Cherokee Nation but returned thereto on or before February 11, 1867. It further appears that all of the other applicants are the children and grand children of Andrew Webber and claim the right to enrollment as his descendants

The protest of the Cherokee Nation has been duly considered.

In view of the record the approval of the Commission's decision favorable to all of the applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.W.M.
W.

D. C. 863-1905
I. T. D. 12444-1904.

W. C. F.
FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON. December 31, 1904.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

December 3, 1904, you transmitted the record in the matter of the applications for the enrolment of Andrew, Mary A., Rachel, Andy and Katie Webber, and Charley Smith, as Cherokee freedmen, including your decision of November 5, 1904, granting said applications.

The Cherokee Nation protests against the action of your Commission in this case.

Reporting in the matter December 9, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision favorable to the applicants is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

D-1124.

Muskogee, Indian Territory, January 12, 1905.

Andrew Webber,

Choteau, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated November 5, 1904, granting, among others, the application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on December 31, 1904.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-851, D-1124.

Muskogee, Indian Territory, January 12, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated November 5, 1904, granting the application for the enrollment of Mary A., Rachel, Andy, Katie and Andrew Webber, and Charley Smith as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 31, 1904.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

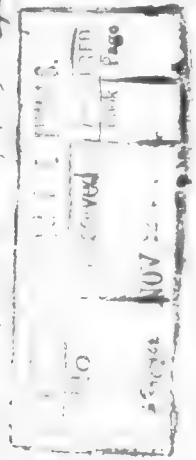
MUSKEGON
LIBRARY

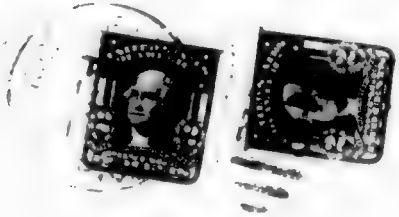
RETURN IN TWENTY DAYS TO

ATTORNEYS FOR CHEROKEE NATION

CHEROKEE ENROLLMENT

VINITA, INDIAN TERRITORY





Commission to the Five Civilized Tribes,

Muskogee I. T.

RETURN IN TWENTY DAYS TO
ATTORNEYS FOR CHEROKEE NATION
CHEROKEE ENROLLMENT
VINITA, INDIAN TERRITORY

FD 1124

COMMISSION TO FIVE TRIBES.
No. 1504 Received NOV 2 ANSWERED Book Page

Commission to the Five Civilized Tribes,

Muskogee I. T.

Cher. Fr 1428

Cher Fr 1428

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. June [illegible] 1902.

In the matter of the application of Mary Ann Webber for the enrollment of herself and three children as Cherokee freedmen; she being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Mary Ann Webber.
Q What is your age? A. 25.
Q What is your post office address? A. Vinita.
Q In what district do you live? A. Sequoyah.
Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q How do you desire to have enrolled besides yourself? A. Three children.
Q Is your name on the roll of 1880? A. No sir.
Q Are you married? A. No sir.
Q What is your fathers name? A. Andy.
Q What is your mother's name? A. Rachel Whitmire.
Q Is your father living? A. Yes sir.
Q Is your mother living? A. No sir.
Q Is your name on any of the rolls of the Cherokee Nation? A. On the Wallace roll.
Q Did you draw strip money? A. No sir.
Q What are the names of your children? A. Rachel.
Q How old? A. 6 years old
Q Next? A. Andy.
Q How old? A. 3 years.
Q Next? A. Kattie.
Q How old? A 7 months.

Wallace roll examined and the name of the applicant found as follows:
Page 187 No. 5426 Mary Ann Webber.

Applicant not found on the 1880, 1896 or Kern Clifton rolls.

Q Are these children living now? A. Yes sir.
Q Were they all born in the Cherokee Nation? A. Yes sir.
Q You say you have never married? A. No sir.
Q Is your father living? A. Yes sir.
Q Has he been enrolled? A. No sir.
Q Where were you born? A. On Big creek, Cherokee Nation.
Q Have you lived here all your life? A. Yes sir.
Q Do you know anything about your mothers whereabouts during the war? A. No sir.

By Mr. Davenport:

Have you lived anywhere else besides the Cherokee Nation? A. No sir.

SAM WEBBER, called and sworn as a witness for the applicant:

Q What is your name? A. Sam Webber.
Q What is your age? A. [illegible]
Q What is your post office address? A. Nowata.
Q Are you a recognized Cherokee freedman? A. Yes sir.
Q Do you know this applicant? A. Yes sir.
Q How long have you known her? A. Ever since she was born.
Q Do you know her father's name is? A. Yes sir Andy Webber.
Q Is he living? A. Yes sir.
Q What is her mothers name? A. Rachel Lanley or Whitmire.
Q Was she a slave? A. Yes sir, I suppose she was.
Q How long did you know her mother? A. I got well acquainted with her in time of the war.
Q Where did you see her during the war? A. At Fort Smith.
Q When did you first see her here after the war? A. In the fall of [illegible]

when she came with her brother Sam.
Q Did she live there until her death? A. Yes sir.
Q This child, the applicant, was born there? A. Yes sir there on Big creek.
Q Been living there ever since has she? A. Yes sir.
Q Do you know anything about the ownership of Rachel Whitmire? A. No sir
Q You didn't know her until you met her in Kansas? A. That's was all.

By Mr. Davenport.

Q Her mother is dead? A. Yes sir
Q Her father is still alive? A. Yes sir.
Q Where does he live? A. On Grand rivers on Brushey.
Q You saw the mother of this girl in Kansas and then saw her when she came back here in '68? A Yes sir.
Q You dont know if shewas a slave in the Cherokee Nation beforethe war or not? A. No sir, I dont

Lewis Whitmire, called and sworn as a witness for the applicant-

Q What is your name? A. Lewis Whitmire.
Q What is your age? A. 62.
Q What is your post office address? A. Hayden.
Q Do you know the applicant here? A. Yes sir.
Q How long has you known her? A. Ever since she was a baby.
Q What was her mothers name? A. Rachel Whitmire.
Q Was she a slave? A. Yes sir
Q Who did she belong to? A. Johnson Whitmire.
Q Was he a Cherokee citizen? A. Yes sir.
Q You know this to be true do you? A. Yes sir.
Q You knew Rachel before the war then did you? A. Yes sir.
Q Was she taken out of the Cherokee Nation during the war? A. Yes sir.
Q Where to? A. Fort Scott, Kansas.
Q When did she return? A. When her brother Sam did, in the fall of '68.
Q Was she married then? A. She had been married, but her husband died.
Q Do you know Andy Webber? A. Yes sir.
Q Was he Rachel's husband at any time? A. Yes sir I was acquainted with them.
Q Was this applicant here, been in the Cherokee Nation? A Yes sir.
Q You know that she was born in the Cherokee Nation do you? A. Yes sir on Cedar creek
Q Has she lived here all her life? A. Yes sir has never been out of it but I knew of.

By Mr. Davenport-

Q Did her mother come back with you? A. No sir with Sam Whitmire.
Q When did they come with reference to the time you came? A Just a little time after.
Q You came back in November or December of '68? A In the fall of '68
Q You testified that it was in November or December ? A I did.
Q Do you know of your own knowledge that she came here with Sam Whitmire? A. Yes sir.
Q Did you see them that they came? A. Yes sir.
Q Did they come to your house when they came? A I didn't live any nearer along.
Q Who was with them besides Sam Whitmire? A. I dont know all who was
Q Any other families besides this family? A. There were 3 or 4 families

By the Commission

The applicant also applies for the enrollment of one Charles Smith.

Q How old is he? A 17 years old.
Q Is his name on any of the rolls? A. No sir.
Q What is his mothers name? A. Lucy Daniels.
Q Is she alive? A. No sir.
Q What is his fathers name? A. I dont know for certain, Henderson Smith I think.
Q How long has his mother been dead? A. 15 years.
Q Was she your sister? A. Yes sir.
Q Was she born and raised in the Cherokee Nation? A. Yes sir.
Q Where was Charles Smith born? A. On Cedar creek, Cherokee Nation.
Q Has he always lived in the Cherokee Nation? A. Yes sir.
Q Were his father and mother married? A. No sir.
Q Would the same testimony apply as to Lucy's citizenship as applies to yours? A. Yes sir.
Q You were full sisters were you? A. Yes sir.
Q Was Lucy the daughter of Rachel Whitmire? A. Yes sir.

By Mr. Davenport—

Q Was your sister older or younger than you? A. Older.
Q How much? A. I dont know.
Q Was she born before or after the war? A. I heard my mother say she was born after the war.
Q Where is this boy now? A. On Cedar creek, Cherokee Nation.

By the Commission:

Q How much older is Lucy than you? A 2 or 3 years I guess.

By Com'r Needles,

Mary Ann Webber applies for herself, three children, Rachel, Andy and Katie Webber and for a nephew, Charles Smith, the child of her deceased sister, age 4 this time? years. She cannot be identified on the authenticated roll of 1880, but is identified on the Wallace roll; none of the children applied for are identified on any roll; she swore that she was born in the Cherokee Nation, that she was the child of Rachel Whitmire, and that her sister Lucy was also the child of the said Rachel Whitmire; she swore that the said children applied for were all born in the Cherokee Nation, and are now living. Now the said Mary Ann Webber and her three children herein named and her nephew Charles Smith will be listed for enrollment as Cherokee freedmen on a doubtful card, and she will be notified by mail of the final decision of the Commission. It will be necessary for her to file proof of the birth of her three children and of her nephew.

* * * * * * * * * *

Thos. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 6th of July, 1901.

Stenographer.

B

3D851

COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 25 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 25 1901

Post Office Chelsea I.T.

District Cos

1. Name

Owner's name

Age

Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Doubtful

1 2. Name of wife Mary A. Webber, Age 26

Owner's name

Citizenship

Year Wallace Page 187 No. 3426 District

Parents:

Father Andy Webber — living Citizenship

Mother Rachel Whitmire — dead Citizenship

Names of Children:

2 1.	Rachel Webber	Year Page	No.	Dist.	6
3 1.	Andy "	Year Page	No.	Dist.	5
4 1.	Kate "	Year Page	No.	Dist.	7 mos
5 1.	Charley Smith	Year Page	No.	Dist.	17
7.		Year Page	No.	Dist.	
8.		Year Page	No.	Dist.	
9.		Year Page	No.	Dist.	
10.		Year Page	No.	Dist.	
11.		Year Page	No.	Dist.	
12.		Year Page	No.	Dist.	

Doubtful

Application made by No. 1 Stenographer Chas. von Weise

1 On Wallace roll as Mary Ann Webber
2, 3 and 4 Birth affidavits required.

C.7.D.251

IN RE

Application for Enrollment of

INFANT CHILD

as a citizen of

Nation.

Approved *190*

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Charlie Smith (Here insert name of child.), born on the 28 day of February, 1884
Name of Father: Henderson Smith a citizen of the Cherokee Nation.
Name of Mother: Lucy Daniels a citizen of the Cherokee Nation.
Postoffice Tenapah I.T.

AFFIDAVIT OF [redacted] Guardian

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Mary Webber, guardian, on oath state that I am 26 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful ~~wife~~ mother of Henderson Smith, who is a citizen, by adoption, of the Cherokee Nation; that a Male (Male or Female.) child was born to ~~me~~ Lucy Daniels on 28th day of February 1884; that said child has been named Charley Smith, and is now living.

Mary Webber

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 26th day of June 1901.

J. P. Hodson
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Nihart Glass, Practitioner, on oath state that I attended on Mrs. Lucy Daniels ~~wife~~ mother of Henderson Smith on the 28th day of February, 1884, that there was born to her on said date a Male (Male or Female.) child, that said child is now living and is said to have been named Charley Smith

Nihart Glass

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 26th day of June 1901.

J. P. Hodson
Notary Public.

IN RE
Application for Enrollment of
INFANT CHILD

as a citizen of

Nation.

Approved *190*

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Rachel Hebber (Here insert name of child.), born on the 24th day of February, 1895

Name of Father: Hayes Sales, a citizen of the United States Nation.

Name of Mother: Mary A. Hebber, a citizen of the Cherokee Nation.

Postoffice Chelsea I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Mary A. Hebber, on oath state that I am 26 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Hayes Sales, who is a citizen, by U. S., of the United States Nation; that a Female (Male or Female.) child was born to me on 24th day of February 1895; that said child has been named Rachel Hebber, and is now living.

Mary A. Hebber

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 20th day of June 1901.

J. P. Gladson
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Catherine Whetmire, a Midwife, on oath state that I attended on Mrs. Mary A. Hebber wife of Hayes Sales on the 24th day of February, 1895; that there was born to her on said date a Female (Male or Female.) child; that said child is now living and is said to have been named Rachel Hebber.

her
Catherine X Whetmire
Mark

WITNESSES TO MARK

(Must be Two Witnesses)

Julia E. Dooley
Frank Sanders

Subscribed and sworn to before me this 20th day of June 1901.

J. P. Gladson
Notary Public.

IN RE

Application for Enrollment of

INFANT CHILD

as a citizen of

Nation.

Approved *190*

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Hardy Webber (Here insert name of child.), born on the 8th day of April, 1897

Name of Father Hayes Sales a citizen of the U. S., Nation.

Name of Mother Mary A. Webber a citizen of the Cherokee Nation.

Postoffice Chelsea I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Mary A. Webber, on oath state that I am 20 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Hayes Sales, who is a citizen, by not the U.S., of the United States Nation; that a Male (Male or Female.) child was born to me on 8th day of April 1897; that said child has been named Hardy Webber, and is now living.

Mary A. Webber

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 20th day of June 1901.

J. P. Wilson
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Catherine Whetmire, a midwife, on oath state that I attended on Mrs. Mary A. Webber not the wife of Hayes Sales on the 8th day of April, 1897; that there was born to her on said date a Male (Male or Female.) child; that said child is now living and is said to have been named Hardy Webber

Catherine x her Whetmire
Mark

WITNESSES TO MARK

(Must be Two Witnesses)
Jesse E. Stanley
Frank E. Smith

Subscribed and sworn to before me this 20th day of June 1901.

J. P. Wilson
Notary Public.

IN RE
Application for Enrollment of
INFANT CHILD

as a citizen of

Nation.

Approved *190*

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the ..... Nation,

of Katie Webber (Here insert name of child.), born on the 25th day of November, 1900

Name of Father: — Stephenson a citizen of the N. S. Nation.

Name of Mother: Mary A. Webber a citizen of the Cherokee Nation.

Postoffice Chelsea I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Mary A. Webber, on oath state that I am 26 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of — Stephenson, who is a citizen, by N. S., of the United States Nation; that a Female (Male or Female.) child was born to me on 25th day of November 1900; that said child has been named Katie Webber, and is now living.

Mary A. Webber

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 26th day of June 1901.

J. P. Wheeler
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Catherine Whitmire, a Midwife, on oath state that I attended on Mrs. Mary A. Webber, wife of — Stephenson on the 25th day of November, 1900; that there was born to her on said date a Female (Male or Female.) child; that said child is now living and is said to have been named Katie Webber.

Catherine her X mark Whitmire

WITNESSES TO MARK

(Must be Two Witnesses) Julia E. Justice
Frank Lawrence

Subscribed and sworn to before me this 26th day of June 1901.

J. P. Wheeler
Notary Public.

To be filed in F. B-821.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 9, 1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Aaron Webber.
Q How old are you? A As I think.
Q What is your post office address? A Wyner, Cherokee Nation.
Q What dist rict do you live in? A Gooweescoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes sir, the Clifton Court and the Wallace Court.
Q The you apply to any other Nation, the Creeks? A No, sir.
Q Never drew any money from any other Nation? A No, sir, I didn't.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.
Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here: I come with my brother Sam Webber.
Q Is your name on the roll of 1880? A No, sir.
Q Did you ever drew your strip payment money? A Yes, sir.
Q How much did you draw? A $15.50, and then I drew this other payment, this last payment, I drew it.
Q You drew the last payment? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kerns'Clifton Roll examined, and the applicant identified thereon, page 126, No. 215, Gooweescoowee District.

Q Were you a slave before the war? A Yes, sir.
Q Who did you belong to? A Takie Webber.
Q Was she a Cherokee citizen? A Yes, sir.
Q Where did you go during the war? A Went to Kansas.
Q When did you come back from Kansas? A Come back in 1866.
Q You been living here ever since? A Yes, sir.
Q Are you married? A No, sir.
Q Ever been married? A No, sir.
Q Got no children then? A No, sir, I haven't.
Q You are certain you came back in 1866? A Yes, sir, I did.
Q Who did you come back with? A Sam Webber and my father.
Q Why id your name not on the roll of 1880? A Why I can't tell you about that.
Q Did you ever try to have it put on? A Yes, sir.
Q They refused to do it? A Yes, sir, must have, for it aint there.

Mr. W. W. Hastings, attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes, sir, I did.
Q Did you come the first time he came out here? A Yes, si , I did
Q What time of the year was it? A '66.
Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.

Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.

Mr. Hastings: Was it the March after the treaty was made? A Yes, sir
Q You are certain of that? A Yes, sir, I am.
Q And you came back with him at that time? A Yes, sir.
Q Did he bring his family along then? A Yes, sir.
Q His wife and children? A Yes, sir.
Q He had already been out there and put up a house? A Yes, sir, I had come out before that and I came with him, and we put up a house and I came back with him in '66.

Q The first time you came back was in March after the treaty was made? A Yes, sir, that is when we moved there.
Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.
Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.
Q What kind of buildings did you put up? A We put up a log cabin.
Q Out on Big Creek? A Yes, sir.
Q How far from where Sam now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.
Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.
Q Name some old citizen who lives at the place now where you located then? A Sam Webber.
Q Does Sam Webber live at that place now? A He did live there but he don't live there now.
Q Who lives at the place Sam and you came to? A The Meigs and Whitmires and Sanders, and a whole lot of them.
Q You have lived there ever since? A Yes, sir.
Q You came out in wagons the first time? A Yes, sir, because Sam Webber drove the ox wagon and I drove the horse wagon.
Q Do you know anything about dates? A I know when they say the year is out, and this year is in.
Q What year is this? A If I am not mistaken I think this is May.
Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.
Q You are satisfied in '66 you came here in March? A Yes, sir.
Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the March after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No, sir, I don't.
Q Have you got any witnesses? A Yes, sir, Sam Webber, and Abe Hare.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

C.R. Breckinridge,
Commissioner.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing and that the same is a true and correct copy of the original transcript.

Subscribed and sworn to before me this 19th day of July, 1902.

Notary Public.

JD 857

JUL 26 1902

To be filed in F. D-831.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
Reuben Sanders, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Meigs? A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q Do remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I do not.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught.
No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r. Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this May 25, 1901.

C. R. Breckinridge,
Commissioner.

B-

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing and that the same is a true and correct copy of the original transcript.

B. L. Rothenberger

Subscribed and sworn to before me this 24th day of July, 1902.

F. G. Austin

Notary Public.

in your Bible? A [illegible].

Q You so stated? A Yes sir.

By Mr. Smith: Object to that; it is leading.

By Mr. Hastings:

The Examiner: [illegible] the case at [illegible] that the testimony of Sam We[illegible], re-called, in the case of Jerry Rose and others. [illegible] made a part [illegible] in this case.

Commission: It is ordered that the testimony just taken be filed as supplemental testimony in Freedmen Department Docket case 458, the same being the case of Chloe Graves, and it will also be filed in Freedmen Department [illegible] case of [illegible] case being the case of Jos. [illegible].

It is further ordered that [illegible] be a stenographer by Sam Weaver in Cherokee Freedmen Department case 479, the same being the case of Jefferson Rose, [illegible] D-880, of Joe Rose, and in the case of [illegible] Graves, and in Chloe [illegible] D-[illegible].

K.D.Owen, being first duly sworn, testified as stenographer to the Commission in the Five Civilized Tribes in correctly recording the proceedings and testimony in this case, as dictated to him from the stenographic notes of John O. Rosser, by said Sam Weaver, and the following is a true and complete transcription of said stenographic notes thereof.

K. D. Owen.

Subscribed and sworn to before me this Nov. [illegible] 1905.

[illegible]

(Seal)

The undersigned, [illegible] to the Commission in the Five Civilized Tribes, [illegible] and that the same is a true and correct copy of the stenographic transcript.

[illegible]

Subscribed and sworn to before me this 18th day of [illegible] 1905.

[illegible]

To be filed in F. D-321.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 28th 1901.

(File with Aaron Webber C.F.D.-218.)

Supplemental testimony in the matter of the application of Joe Ross C. F. D. 380.

Appearances:
W. W Hastings for the Cherokee Nation.
Mellette & Smith for the applicants;

Douglas Walker, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation:
(By the Commission:)
Q Give me your full name. A Douglas Walker.
Q How old are you? A 50.
Q What is your post office? A Mound City, Kansas.
(By Hastings)
Q How long have you lived in Mound City, Kansas? A Since May 1887.
Q What was your father's name? A James Walker.
Q What was your mother's name? A Mizma Walker.
Q Was your father and mother here the first of the month? A Yes sir.
Q They testified in this matter at that time did they? A Yes sir.
Q Do you know Samuel Webber? A Yes sir.
Q Did you know his son Samuel Webber? A Yes sir.
Q Where did you know them? A Near Mound City, Kansas; in the neighborhood where I live.
Q Do you know the applicant here, Joe Ross? A I knew him as Joe Webber.
Q Is the the same fellow? (pointing) A Yes sir.
Q Where was he living at the time? A He lived with the older Sam Webber at the time.
Q You know this applicant here is the same party? A Yes sir.
Q Did you know a woman named Chlora? A Yes sir.
Q What relation was she to Joe Ross? A Sister.
Q Did you know Aaron Webber a little duck legged fellow? A Yes sir.
Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.
Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.
Q I mean in the year 1866? A My father bought the farm.
Q Of whom did he purchase the farm? A Of Flemmings.
Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
Q Did he marry before or after he moved from that country? A Before he moved.
Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
Q The date of the deed? A Yes sir.
Q What was that date? A The date of the deed is October '66.
(By Mr. Smith) Object to that if you have not the deed.
(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
Q At that time, where was Sam Webber living? A On this farm that father purchased.
Q Where was young Sam living at the time he married? A On this farm on the same place.
Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; as my in the spring of '67 though.
Q Did they all move down at the same time? A All started together.
Q Left there together? A Yes sir.

(By Mr. Smith)

Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
Q How did you know it? A I recognized his countenance as one man knows another.
Q Now? A Well I saw him.
Q When? A To day.
Q Where? A On the street.
Q And you knew him as Joe Webber? A Yes sir, the name Joe Ross was not used much.
Q When did you first become acquainted with old man Sam Webber? A In '65 he moved on that farm.
Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming Farm.
Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.
Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.
Q How do you know it was '65 that you became acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '65 and they were amongst them.
Q Did any come after '65? A Yes sir some came later and some came earlier, and I remember again by this farm, I remember how long they farmed it before we got it.
Q How long? A Three years—four years in the spring of '67.
Q They farmed it four years before your father got it? A They farmed from '65 to '67.
Q You say the reason you knew that you knew this man in '65 was because you knew how long they worked this farm before your father got it? A Yes sir.
Q You are positive about that? A Yes sir we got possession the first of March '67.
Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.
Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.
Q Don't you remember that they did and that the old man came back by himself one time? A If my memory serves me, it was in '66, late in the summer, or early in the fall of '66.
Q What was in the fall of '66? A That they came down here—started away from there.
Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.
Q What is your recollection as to how long they staid? A They came back I think in November or late in October.
Q Well which came back first? A Why I think the older Sam Webber came first.
Q How long do you think it was before you saw Sam Webber Jr. again? A Well, it was a short time, a month or so—I can't recollect that, it is a good while ago.
Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.
Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I don't know but as Joe did too, I dont remember much about that.
Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.
Q Is it not a fact that in July of 1866 that Sam Webber Jr came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.
Q You have stated that it was a long time ago, do you think that you remember the dates absolutely? A Not to the day or month exactly but that is my best recollection.

Q Are you testifying to the best of your recollection? A Yes sir.
Q Do you remember of Sam Webber Jr. bringing any hides to that country? A Yes sir.
Q When was that? A In the fall or beginning of the winter of '66 and '7.he brought some hides and furs.
Q To refresh your memory, was it not in March? A March when?
Q 66? A No sir.
Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a hunting trip.
Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.
Q Do you remember of Sam Webber selling out a crop up here? A I dont.
Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.
Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
Q Dont yourRemember of them leaving there to come to the Territory for the purpose of building houses? A Well that was either in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
Q How do you fix the dates you have given? A I remember them and thenby the dates I have looked up.
Q What dates have you looked up? A The purchasing of this land.
Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid $80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
Q Mr. Walker, when you had occasion to investigate this matter,you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look ~~about~~ the dates.
Q Then you are not testifying from your recollection,but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
Q You didn't know then did you? A Yes sir after I thought it over.
How long did it take you to think it over? A I don't exactly remember.
Q Can't you give us some idea of it? A 2 or 3 weeks.
Q Were you here when your father testified in this case? A Yes sir.
Q Did you know as much about it then as you do now? A No sir.
Q How long was that from the time you had first been spoked to about the date? A I had not expected then to give testimony in this case and had not thought mch about it.
Q What were you doing here then? A I was subpoenaed in another case.
Q You had been talking about this case then? A Not much.
Q How much? A A word or two.
Q And you were here all the time your father and mother were here and yet didn't testify in this case? A Yes sir.
Q You went back to Kansas? A Yes sir.
Q And came back here again to testify? A Yes sir.
(By Hastings)
Q You were subpoenaed by the Cherokee Nation? A Yes sir.

(Continued by Stenographer J.G.Rosson)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 28th of November, 1901.

T.B.Needles,
Commissioner.

(Continued from Steno. Chas. von Weise.

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental C.F.R-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J. G. Rosson, and afterwards dictated by him to Stenographer M. D. Green.)

Henry C. Short, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give your full name? A Henry C. Short.
Q How old are you, Mr. Short? A 48.
Q What is your postoffice? A Mound City.
Q In the Cherokee Nation? A In Kansas.
BY MR. HASTINGS:
Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
Q What was your father's name? A John Short.
Q Were you living there in the years '66 and '67? A Yes sir.
Q Were you living in town or in the country? A Living in the country.
Q Do you know Douglas Walker that left the stand? A Yes sir.
Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.
Q Do you know that young Sam Webber, his son? A Yes sir.
Q Do you know Joe Ross? A Yes sir.
Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
Q Have you talked to him? A Just spoke to him.
Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir.
Q Where did you live in the spring of .66? A In Linn County, on Milk Creek, in Kansas.
Q Did you live on the same place in the fall of '66? A Yes sir.
Q Did you live in the same house? A I live in the same house now that I moved into in the fall of '66.
Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I won't say which; along about in that times I moved, that is, my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.
Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoining farms of ours.
Q Were they living there when you moved? A That fall?
Q Yes sir? A They were living there then.

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Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just now, for I have got nothing to fix them dates. The best of my judgment they left there in February.
Q February now of what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.
Mr. Smith: Now I move to strike out the testimony to that effect, because the witness says that in his opinion.
Commission: We will take it for what it is worth and let the Commission pass on it.
By Mr. Hastings:
Q That is your best judgment? A Yes sir.
Q That is your best recollection? A (No response).
Q You said I believe you knew they were there in the fall? A Yes sir, that is all I can state positively, I don't know how long they were there.
Q You know that by your move? A Yes sir, that is one thing I have got you know.
Q Do you know Joe's sister Chlora? A Yes sir, there was a girl there called Chlora, I supposed was Joe's sister.
By Mr. Smith:
Q Mr. Short, how old were you in '66? A About 13 years old, September 6, 1866.
Q Now when were you first asked as to the time when Sam Webber left that country? A When was I asked first?
Q Yes? A I think it was last Sunday.
Q Well you didn't know did you? A No, I don't know yet what day he left there at all.
Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.
Q Where was Sam Webber Jr., in February 1866? A I don't know.
Q Where was he in October, 1865? A He was on the creek.
Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.
Q That was in the fall of 1865 was it? A Fall of 1866.
Q I am talking about 1865? A Well they was there too.
Q Did you see him? A Yes, of course they was there.
Q Of course, well how do you know, did you see him? A Yes I saw him.
Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.
Q Did he work for you in the fall of 1865? A Worked for my grandfather some .
Q That young Sam Webber? A Yes sir.
Q You say you knew young Sam Webber, the younger one of the two? A Yes sir, I knowed young Sam and old Sam too.
Q Did you know young Sam Webber, called Sam Webber Jr.? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.
Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.
Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.
Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1866? A I think not, I don't think they did; they was there in 1866 but they was going and coming all the time; they come down in 1866 and located.
Q They came in 1866 and located? A Yes sir, but they come back and got their family.
Q Now you know only that they were there in 1865? A I know they were there in '66.

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Q You don't know what time in '65 they were there? A They were there before '65.
Q Well I am talking about '65; were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.
Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.
Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '66 I think, directly after crops was made; they come down here and they went back together back up there in the fall.
Q Well did they ever come back together? A I don't know whether they did or not; Aaron didn't come down I don't think.
Q What about Sam Jr., did he come down with his father? A Yes sir, I don't know whether Aaron came back or not; I know Sam and the old man come back and got the family.
Q Do you know that they came back together? A Yes, I am pretty sure that they came back, I knew I saw them there afterwards.
Q Do you remember of Sam Webber Jr. ever bringing any hides into the country? A No sir, I don't remember; I remember Sam telling me he had his cabin up.
Q When did he tell you he had his cabin up? A In the fall of '66.
Q He had been down here in the fall of 1866 and had built a cabin? A Yes sir, and I think he told me he had his cabin built.
Q And now that final move when they took all the people out you think was in that time? A I don't know, but it runs in my mind as February or March; I wont say anything about that.
Q What year? A '67.
Q You say you wont say anything about that? A I dont know whether it was or was not.
Q You don't know whether it was or was not? A No sir, that is a fact; but it runs in my mind it was.
Q Where was Sam Webber during the winter of 1865 and '66, the winter that commences with December, 1865 and ends with February 1866? A I think he was there.
Q Well did you see him there? A Yes, I think he was there pretty much all the time.
Q Well do you know it? A I got no way to fix it; that's my opinion he was there.
Q You can't state it positively that he was or was not? A I know most of them was there and I believe he was too.
Q You can't state that positively? A No sir, not unless I got something to fix the date.
Q You wont say that? A No sir.
Q Now can you remember about Sam Webber coming up there in the spring of 1866 and bringing some beef hides? A No sir, I can't remember; of course them dates is a long time ago; how I have got these things fixed in my head that was in the fall of '66 I was moving from one farm to the other, and that was in the fall.
Q You didn't go off of that farm? A No sir, just moved from the west to the east side.
Q And you were a boy about 15 years old? A Yes sir.
Q What is there in that to fix the date in your mind it was in 1866 any more than 1865 you moved? A I know we moved from the things that occurred; the death in the family of a young man that was there; I know it was '66.
Q How about that now; about the deaths in the family? A There was a young man died in the family in '69, 3 years after we moved there it must have been from the things that he did when we moved from one house, but he didn't move in his house at all.
Q You don't seem to be positive about any of these dates you give? A Why I do, when the family moved, ever, remember that fact.

Q I mean about Webber's movements? A They was all there in the fall of '66; they was all there in October or November one of the two months, because we moved then.

By Mr. Hastings:

Q Now you never missed them up there in 1865 did you? A No sir.

Mr. Smith: I object to that; it is not competent whether he missed them or nt.

Q Did you ever miss them up until the summer of 1866? A No sir, I have no recollection of them leaving there until that.

Q That is your first recollection of them leaving? A Yes sir.

Mary A. Hicks, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name, Madam? A Mary A. Hicks is the way I sign mynamm.

Q How old are you? A If I live to the 21st of next month I will be 67 years old.

Q What is your postoffice? A Mantey.

Q Is that in Kansas? A Yes sir.

By Mr. Hastings:

Q How far do you live from Mound City, Kansas, Mrs. Hicks? A I live six miles.

Q How long have you lived in that neighborhood? A Ever since the spring of 1857.

Q You were living there then after the war? A Living there in the time of the war.

Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.

Q Do you know Mr. Short that left the stand here? A Yes sir.

Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.

Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.

Q Did you know his son, young Sam Webber? A Yes sir.

Q Well did you know a little short one called Aaron Webber? A Yes sir.

Q Did you know a boy called Joe Ross? A Yes sir.

Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.

Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.

Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.

Q Whatwas the date of it? A The date of the death?

Q Yes, madam? A Well it was October.

Q Did you make any record of it in your Bible? A Yes sir.

Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.

Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.

Q You haven't got your specs? A No sir.

Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1864"? A Yes sir.

Q And under the column of deaths appears: "Died October 23, 1866"?

A That is correct.

Q Who was Franklin Hicks? A He was my son.

Q Do you know where Sam Webber was when you son Franklin died?

A No sir, I could not tell you.

Q Don't know? A No I don't; you mean this Sam?

Q That man? A Oh, the old gentleman; he lived up there by me I think; I am most positively he lived there then.

Q Do you know where his wife was? A His wife died there.

Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old aunt Rhoda, living.

Q She was living? A Yes sir.
Q Was she a member of this family? A Yes sir, she lived there with them.
Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several times, and if it was a bad night and she saw no one come in she would come and sit up with me.
Q Did you know a sister of Joe's called Chlora? A Yes sir.
Q Now I would like to have your best judgment Mrs. Hicks as to the time old Sam Webber moved with his family and children from that country? A

Mr. Smith: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.
Commission: I understand the question to be her best recollection.

A It has been a long time you know.
Q Well, answer the question? A About him being there?
Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family?

Objected to by applicant.

A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did
Q Well now that would be February of what year? A It would be '67 wouldn't it?
Q You lived then about 175 yards of them? A Yes sir, I could hear them sing over there and hear them laugh and talk to my house.
Q On whose place were they living? A Well they was living on Mr. Walker's place then.
Q He had recently purchased it? A Yes sir.
Q Do you remember who he purcahsed it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.

By Mr. Smith:

Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question.
Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while; I couldn't tell you.
Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mistaken.
Q And you know these Webbers were living on the Walker place? A Yes sir.
Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I wont pretend to say anything I dont know; I dont want to meddle with, I didn't come down here to criticise or anything about it; I want to tell the truth as far as I know.
Q Where was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.
Q Wherewas young Sam Webber at the time your child died? A I couldn't tell you that; This one?
Q Yes? A I don't know.
Q He was not there was he? A I don't know, I couldn't say as to that.
Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation?

A I recollect only Sam coming down here, I don't know, I wont be positive, I guess though it was in '66.
Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.
Q Don't know? A No I don't; but I recollect about it, he brought me back spice wood and sassafras root.
Q Do you remember young Sam bringing some hides in to the community? A No, sir, I didn't charge my mind with anything like that.
Q Well now give me some idea, Mrs. Hicks, about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know; he come in the fall I reckon.
Q You don't know whether it was fall, summer or spring? A No sir, I don't.
Q Well how is it you have no better recollection of this very time that you mention he came then you have of theffrst time? A I know he was there when that child of mine died.
Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think though it was in February or March; Q You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.
Q You don't think that was? A No I can't, for several facts.
Q You can't state positively whether it was before or after Christmas, you can't answer it? A I wouldn't want to swear it either way.
Q Where did you move from to this place that you live? A Where did I move from?
Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '57.
Q About how long did you remain on that place? A I stay there yet, when I am at home; my husband is dead.
Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.
Q You know of his coming one time? A I know him and his father and I think Aaron, and I don't know whether Joe was along or not.
Q Well is this Joe? A Well of course, oh that one, Joe Webber, that one sitting there?
Q Yes? A I think it is.
Q Which one of them dont look familiar? A That one, he was nothing but a boy when I knew him.
Q Which one, the one right here, the black one? A Yes sir.
Q What is his name? A Joe we always called him.
Q And what is this man right here? A Sam, that is the way we always called him.
Q You think that is the man you knew up there in Kansas? A This Joe? I don't know, he says it is; he was nothing but a boy when I saw him.
Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has growed out of my knowledge.
Q You don't know where old man Sam Webber was in July '66 do you? A No sir.
Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.
Q You don't know when they did come? A Why I think they come some time in the latter part of the winter, but I say I would not be certain what month it was, in February or March.

Q You wont be certain it was either of them? A I say they left, I was there and saw them start.
Q You would be certain it was either February or March? A I think they did.
Q You think so? A Yes sir.
By Mr. Hastings:
Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it done.
Q Did you hear of his marrying up there? A Yes sir.
Q Was that before or after he left? A It was before they left.

Jane Spears, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jane Spears.
Q How old are you? A I am 46 years old.
Q What is your post-office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.
By Mr. Hastings:
Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Douglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just after the war some colored people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir
Q Have you seen any of these parties since you have been here this time? A I met them today.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not.
Q Did he recognize you? A Well he let on as though he did; I dont know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yessir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1866.
Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A-
My Mr. Smith: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.
Commission: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.
A My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?

A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.
By Mr. Smith:
Q Mrs. Spears, did you know of Sam Webber Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.
Q Fall of what year? A '66, and then came back.
Q Now do you remember young Sam Webber's coming back with reference to the time Sam Webber Sr. came, who came first when they returned from this trip looking for claims you speak of? A They came together.
Q You are sure of that? A Yes sir.
Q Where was Aaron Webber, did he come back with them? A I don't remember very much about him.
Q You don't remember whether he did or not? A No, I wont be positive whether he came with them or not, when they came after their claims.
Q Do you know when the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
Q Either summer or fall? A Yes sir, sometime along in the summer or fall.
Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
Q Made a crop in '66? A '66.
Q What did he do with that crop? A I suppose he put it up here, disposed of it.
Q Do you know whether he sold it or not? A No, I don't know whether he sold it or not, I think they fed it to their stock before they left.
Q Where was Sam Webber Jr. in December 1865? A I dont know where he was at.
Q Where was he in January and February of '66? A January or February of '66, I can't say.
Q Where was he in July of '66? A I don't know where.
Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
Q Where was the old man Webber living in the year of 1865? A He was living there close to my mother's farm I speak of.
Q In 175 steps of you? A Yes sir.
Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts.
Q Now what makes you think it was in February or March '67 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkeys boys trapped on the land that winter.
Q Who did? A These darkey boys, the Webber boys.
Q Did what? A Trapper for the game that winter on the patch of cane where we had left the seed on the corn.
Q That the winter that commence in December and ends in February, December, '66 and February of '67? A It was all in that winter of course.
Q Well the winter is pretty well over by the last day of January isn't it? A Not always it aint.
Q Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.
Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have much.

Q No that as a matter of fact the fact that they trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left; that is the best of my knowledge.
Q Now in what way do you fix the date, you speak of your people there, is that the way you fix the date, by that? A No sir, I fix it by memory, of course that is the way by the people, of this childs death; they were there then; that is, the family were, I don't remember so much about the men; there was an old lady that moved down here with the man that sat up with my brother in his sickness
Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.
Q When was that? A That was the first time they came down.
Q When was it? A That was in '98.
Q What month? A I don't know.
Q Can you state within two months of the time? A No I dont know as I could.
Q Can you remember that as well as you could the other time? A (No response.)
Q You know that they were gone from there before the spring of '97, and it must have been in '98 they brought the sassafras ? A Yes sir.
Q What was it, sassafras roots? A Yes sir.
Q That must have been in the spring? A I don't know.
Q Well they don't make sassafras in the fall? A We used it fortea.
Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.
Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.
Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember whowas there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.
Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.
Q Now who else was there? A Chlora was there.
Q Well now name some other one, did you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.
Q Well now what I want to know, who was there except this woman, Rhoda? A I don't know anything about that.
Q You don't know? A No sir.
Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.
Q All you know,of? A Yes sir.
Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.
Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?
Q Yes? A I don't know as it was, I suppose about the time.
Q Well about when, do you know who wrote that? A I know who wrote that?

Q That is what I am talking about? A This was drawn off from another Bible, think.
Q You don't know that this entry, "Lizzie Bell Lewis, born September 1st, 1863" is in the same handwriting that this is do you? A No sir.
Q You don't know that this is the same handwriting? A No sir, it is not.
Q Now who wrote that date, October 25, 1868? A Park Nichols.
Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

By Mr. Hastings:

Q How long has this Bible been in your mother's possession? A I can't tell.
Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.
Q It was in there long before any investigation came up wasn't it? A Yes sir.

By Mr. Smith:

Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.
Q If they came here you didn't miss them? A No sir.

Mary A. Hicks, re-called for additional cross examination.

By Mr. Smith:

Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't remember when it was; it was not long.
Q Was it put there at or about the time he died? A Why it was not long after he died.
Q Well give us your best judgment as to how long? A Well he didd that fall and I don't know just how long it was.
Q Well was it as much as a month? A I wont say sir.
Q You can give some idea? A Well I tell you now, I wont say anything when I don't know anything.
Q I thought probably you might know better than to do, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.
Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.
Q What was his name? A His name was Nichols.
Q Do you remember how long after your child died before Nichols went to work for you? A No sir.
Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wuldn't recollect it?
Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.
Q Do you think it was as much as two years? A No sir.
Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.
Q Was this the first place it was made where it was made here in this Bible? A Yes sir.

Mr. Smith: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.

Commission: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.

By Mr. Hastings:

Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.
Q You didn't attempt to give distinctly when that entry was made

in your Bible? A No sir.
Q You so stated? A Yes sir.
By Mr. Smith: I object to that; it is leading.
By Mr. Hastings:

The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross and others, Freedman D-372, be made a part of the record in this case.

Commission: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedman Doubtful cases 496, the same being the case of Chlora Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman doubtful case 350, the same being the case of Joe Ross.

It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedman Doubtful case 372, the same being the case of Jefferson Ross, be filed in case Cherokee Freedman D-350, of Joe Ross, and in Cherokee Freedman D-496, of Chlora Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him from the stenographic notes of John G. Rosson, by said Rosson, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 16th, 1901.

(SEAL)

J. G. Starr,
Notary Public.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing and that the same is a true and correct copy of the original transcript.

[illegible]

Subscribed and sworn to before me this 19th day of July, 1902.

[illegible]
Notary Public.

To be filed in C.F. D-851.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4 1902.

(Supl. C.D.#818 Freedman.)

Supplemental testimony in the matter of the enrollment of Edward Wright as a Cherokee freedman, introduced on part of the Cherokee Nation:

The Cherokee Nation by its representatives makes satisfactory proof of service on E. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the offices of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902 and from day or day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation present by its representative L. B. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

Mr. Bell:

Q Tell him your name? A C. V. Rogers.
Q Age? A 63 years old.
Q Place of residence? A Claremore.
Q Are you a citizen of this Cherokee Nation? A Yes, sir.
Q How long have you been such? A All my life, little over 63 years.
Q Did you go out of the country during the war? A Yes, sir.
Q When did you return? A '66.
Q Where did you come to? A Come to Fort Gibson.
Q And stayed there did you? A Yes, sir.
Q Well, what was your business? A After I come back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a freedman by the name of Moses Whitmire? A Yes, I know him.
Q Where did he belong before thewar? A He belonged in Goingsnake district.
Q Do you know what particular Whitmire he belonged?
A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
Q If you did see him, when did you first see Moses Whitmire after the war, after your return to the Cherokee Nation? A As well as I remember it was in February, '68; I metthem just on this side of the Neosho river, as they was moving back to this country from Kansas. There was between 24, from 24 to 26 wagons and I met them right on this side of the Neosho river; Dick Whitmire, Moses Whitmire and Aron Whitmire and old Major Wright is all I knew in the outfit.
Q Did you have any conversation with them, stop and talk with them?
A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 25 or more wagons was loaded with people? A Yes, mostly every one had household good in them.
Q Colony of Cherokee freedmen? A Yes, coming back to the Cherokee Nation.

Q Well now that was; where you say it was? A It was right on this side of the Neosho river; between the old Hudson place and Neosho river.
Q How far from the Neosho river? A I suppose half a mile.
Q How far from the north line of the Cherokee Nation? A I think the river is the line, about a half mile.
Q And how far is that from the Kansas line? A The Neosho river is the line, way I understand it.
Q You had reference to where the Military road crosses the Neosho river? A Yes, sir.
Q At Jack McLain's ferry? A They called it Hudson ferry at that time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Moses Whitmire you met and talked with is the same one you knew in Goingsnake and belonged to the Whitmire family there? A Yes, sir.
Q About how old a man was he when you met him? A He is an older man I think than I am.
Q And you saw others with him you knew? A I think Aaron Whitmire and Moses Whitmire and old Major Wright is the old ones I knew.
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.
Q Do you know where this man Whitmire lives now, Moses Whitmire you met? A No, I don't know where he lives.

Mr. Hastings; Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know thought where he does live, I have saw him ever since I have been here. I don't think I ever was at his house.

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes there.

J. O. Rosson,
Stenographer.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing and that the same is a true and correct copy of the original transcript.

Subscribed and sworn to before me this 21st day of July, 1903.

Notary Public.

To be filed in F. D. 851.

F. D. 791.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. May, 13, 1903.

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
Q What is your postoffice? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, sir.
Q What is it? A County Clerk.
Q Of the county in which Fort Scott is located? A Yes, sir.
Q Have you an official paper? A Yes, sir.
Q What is it? A Our official paper at the preset time is the Republican but that changes you know from time to time.
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
Q What was it? A The Fort Scott Monitor.
Q Are you required to keep files of thispaper in your office? A Yes sir.
Q Have you a file of the official paper including December 22, 1866, up to and including March of 1867? A Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed "Another Murder."

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.
Shooting of D. Hayford.
Testimony given before the coroner.

On Saturday night, the 22nd inst., after dark, Mr. Dyer Hayford, of this city, was found murdered. A colored man, named Eli Machey has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Eighth Streets, and was a very quiet and inoffensive man. The facts of the murder as we learn them, are these:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Hayford missed almost immediately, and learning that Machey had taken it, and was then on his way home with it, (Machey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started to overtake the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the [illegible] was great, and many threats of lynching Mackey were made; but cooler and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Hargrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. [illegible], Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, [illegible] Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Bedfield and B. F. Hegler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonzo Cullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked if I was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the hill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides; was blowing right smart; I inquired if he had seen Dyer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw him at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloa; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury rearned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Margrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.
Murderer of Hayford Captured and Hung.
Tragical events connected with the affair.

The history of our community for the past week is repleted with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in Company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, forthe purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even afterthey approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Hefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Doe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetary where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Nanny Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q Were you living there at the close of the war? A Yes, sir.
Q Were you living there in '66, December? A I have lived there ever since '62.
Q Did you know Dyer Hayford? A Yes, sir.
Q Had you known him before December '66. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.
Q Was he killed? A He was killed at Fort Scott.
Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth: yes, sir he was killed in the city just about the brink of the hill.
Q About what time of the day was he killed? A He was killed just after dark, just dark.
Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.
Q Who? A Phil Mackey.
Q Was he a colored man? A Yes sir, he was.
Q Did you assist in his arrest? Yes, sir.
Q Who arrested him? Myself and a man we called Deacon Jones.

Q That this other man here with you? A Yes, sir.
Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice, from the time the shots fired I wouldn't it was more than twenty minutes.
Q Twenty minutes? A Yes, sir.
Q Had it become generally known at the time of the arrest? A No, sir.
Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
Q Was he put in jail? A Yes, sir.
Q You remember how long he remained in jail? A Till about the twentieth, sometim in February, 26th I think it was.
Q Of February following, of '07? A Yes, sir.
Q Well did he make his escape? A He got away.
Q He got away? A Yes, sir, he got past the turnkey, Ed Coe
Q Ed Coe was the turnkey was he? A Yes, sir.
Q I will ask you then if there was any searching parties out for this man? Yes, sir.
Q For how long? I think he was killed on the 20th of March.
Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
Q Well were there quite a number of people out searching for him?
A Yes, sir.
Q Considerable excitement at that time? A Yes, sir.
Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
Q Up until that time? Yes, sir.
Q You say that was for about three weeks? A Yes, sir, something over three weeks.
Q From the 20th of February up until about the 20th of March? A Yes, sir.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.
Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 20th of February? A There was no search made for Mackey until he broke jail.
Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. KASTINGS: What is your name? A H. C. Jones.
Q What is your Postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q What is your age, please sir? A 68.
Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.
Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
Q What office was that? A City marshal, called town constable.
Q You was a city policeman? A Yes, sir.
Q Did you assist in his first arrest? A I did.
Q Who assisted you in the arrest? A Mr. Benjamin Files.
Q This man that's present here? A Yes, sir.
Q Did you hear the shots that killed Hayford? A I did.
Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?
A 20 or 25 minutes, inside of a half hour at most.
Q Very short time? A Yes, sir.
Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
Q People didn't generally know it up to that time? A No, sir.
Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
Q He made his escape then? A He made his escape, yes, sir, at the time.
Q You know how long he was at large? A Well I put it something like three weeks.
Q I will ask you if there was any searches at that time made for him?
A You mean after?
Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
Q Reward offered for him? A Yes, sir, reward offered.
Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

COURT EXAM: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I know it was only a few days before Christmas when the killing was done
Q '67? A In '66 the killing was done.
Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-216, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775, and in D-391, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1908.

(Seal) (Signed) Philip E. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

(Signed) Arthur G. Evans

Subscribed and sworn to before me this 23rd day of July, 1908.

Notary Public.

Arthur G. [illegible], being duly sworn, states that he [illegible] stenographer [illegible] to the [illegible] transcribed [illegible] reported in [illegible] [illegible] thereof.

Art [illegible]

Subscribed [illegible] before me this [illegible]

[illegible]

(Seal) [illegible]

The undersigned, being duly [illegible] stenographer to the [illegible] made the foregoing and that the same is a true and correct copy of the original transcript.

[illegible]

Subscribed and sworn [illegible] to this [illegible]

[illegible]

To be filed in F. D-831.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 30, 1902.

(F. D-818.)

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee freedman.

Appearances:

Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings for Cherokee Nation.

Commission: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 30th day of May, 1902, introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

Mr. Hastings: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 55 of a book taken from the records of the Executive Department of the Cherokee Nation, entitled "Docket of the Chambers Com'n.on Citizenship," as follows:

"No. 85. Edward Wright
vs
Cherokee Nation.

(Ex. 7th of June.
(Answer filed.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above, page 57 of the same, the following:

"No. 89. Major Wright
vs
Cherokee Nation

(Ex. June 7th. Statement filed on 28th of June. 1st July set, 1st Aug. set for trial.

Judgment against claimant June 27, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 28th day of June, 1878, as found on pages 164 and 5 of book B, entitled "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to try claims to Cherokee citizenship.

The undersigned claimant in the case of

Lewis Whitmire
vs
Cherokee Nation

respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866.

Claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they being then without one) and again the following year

prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they could subsist without discomfort and exposure and until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimant's rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1878.

Lewis Whitmire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee citizenship.

In the case of Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident in this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement made by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitmire.
By W. P. Boudinot, Atty."

June 26, 1878.

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled "Register of evidence before court of Commission Chambers Court, Book A," page 259, case No. 60, as follows:

"Case 60.

Aaron Whitmire,)
vs)
Cherokee Nation.)

Tahlequah,
July 3rd, 1878.

Mike Fields a witness for claimant called & sworn.

I am I think I am about 47 years old. I live in Illinois District, C. N. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court. Am a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August - 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They came down along in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January 1867 and got to the crossing of the Neosho river about the last of January. When I first came down there was

about 15 in the party. They left their families in Kansas when they come down here. There was some of party came with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire party proper were Aaron, Lewis, Moses, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting homes. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistence. As I was coming down the first time we were overtaken by the Cherokee Delegation. There were some who came here were authorized by others to locate claims for them, one was by McKey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I cannot remember the date I arrived here the first time from Kansas. The claim I made we got three sets of house logs, hauled them and piled them up, some of the men put up houses. I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Brushy Mountain on this side Arks.River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me who could read.

I did not know myself that it was the month of Aug. when I came here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires came down first to select and improve claims.

Nick X Fields
his mk.

Aaron Whitmire)
vs) August 1, 1878.
Cherokee Nation.) Bluford Alberty, witness for claimant.called and sworn.

I reside in Cooweescoowee District, C.N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Cooweescoowee District, on the 3rd of Sept. 1866. I had occasion some time in the last of October or the first of Nov. or probably it might have been as late as the middle of November, to go out to the Verdigris. I went out to the salt creek on the Verdigris. While out there I fell in with a party of seven or eight persons who were camped with others near Sam Couches. I did not go to the camp. They were colored people. I knew most all of them. Their names were old Sam Webber, Aaron Whitmire and a younger brother and Lewis Whitmire.

There was another person whom I was told was a Landrum. I do not recollect any of the others and cannot identify them. The Whitmires were Johnson and George Whitmire, Aaron, Lewis and his mother belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had got home. I told him I had not seen the treaty but had heard rumors about it. He told me that they had come to pick themselves homes or make claims

and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chance there was to get provisions over on the river. I told him there was none there, but that there was a lot of condemned flour at Gibson and if they would go there they might get some. He also representerd that they had come down to make claims for others who had remained in Kansas, to build them houses &c. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was sometime in October or November that I saw these parties. It was not very cold weather at the time. I recollect as I camped out at night. Did not see any of the parties after this time May 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this this some of them went back to Kansas. At the time I meet them I do not know whether their families were with them. I did not suppose their families were with them. I think I seen Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know their was four of the Whitmire boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. W. Alberty.

Aaron Whitmire
vs
Cherokee Nation.

I know Mellissa Ratliff. She was twelve or thirteen years old at the close of the war. She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Ransom Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokeedelegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at Modlin's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am a claimant before this Court for citizenship. I amm half-brother of Aaron Whitmire, Lewis, Dennis and Nelson are also my brothers. Meriah Whitmire is my sister. Major Wright is my step-father. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Meigs, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire is all I recollect now. Witness and my brothers were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Mellissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Ann, Nelson and Allen were Aaron's children and his wife Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1866 to Kansas after coming to the Nation. When witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Meigs and the families of those who had families all came as I did besides others not particularly

remembered. This was the first time any of our families had been to the Nation at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our party returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Mallissa Ratcliff was owned by one Alec Ratcliff at breaking out of war. She first came in March 1867 to the Nation along with me when I moved. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

No Direct.

Mariah's family at close of the war was a separate family. Harry Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Lewis Whitmire had been back to the Nation before 1866.

Attest
B. L. Nicholson,
Clerk.

Moses x Whitmire
his mark.

Case 63.

Aaron Whitmire & family
vs
Cherokee Nation.

Claiming citizenship.

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of the grounds for his said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of theclasses of claims referred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the Rebellion and was then living in this Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided untill the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Verdigris River for himself and family's permanent residence.

While he was thus making preparations for the removal of his family by providing for their habitation and subsistance at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Virdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he moved his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistent with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,
Aaron Whitmire,
by Atty Wm. P. Boudinot.

Aaron Whitmire
vs

August 1st, 1878.

Cherokee Nation.

Wm. Martin witness for claimant called and sworn.

I live on Big Creek, Cooweescoowee C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the Ferry on the Neosho River on the old Military road leading from Fort Scott Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron untill I meet him at the river. Lewis I knew pryor to that time. While I was in charge of the Ferry I recollect having meet claimant and Moss, Lewis, Dennis and Nelson, Whitmire, Peter Meigs, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but I do not recollect anything about them. They were traveling. They stated they were coming from Fort Scott Kans. they were travelling from the direction of Fort Scott. I crossed them from the Shawnee side of the river into the Cherokee Nation, they inquired the road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principle one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I meet claimant and the others spoken of it was pretty cold weather when I crossed them. It was a near as I can recollect about the last of October 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with claimant nor any of the others named previous to the war.

I do not know who owned before the war. I do not know whether they had lived in the Nation previous to war. I do not recollect of seeing any of the families of the parties named at the time, I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were more who crossed back but I cannot place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was with Little Sam Webber though I would not be right positive that there was a woman along or not. I am positive there was no children as I never seen any. They had camped there long enough that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I set them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistence at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire vs Cherokee Nation. } July 4th 1878.

Wm. McGreachen for claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which

claimant said he was on his way to Going Snake his former home in the Nation and seven of claimants Brothers were behind on the road.
Witness is a citizen of this Nation and knew claimant before the war.

Attest:
D. L. Nicholson, Clerk. Wm. McCracken.

Aaron Whitmire,
vs.
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.
Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimants present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in Colonies or as thickly as it was convenient to do in an unoccupied part of the country.
This was thought best for the colored man as they could have their own schools &c until matters were more regulated in the country.
The first conversation was in the fall 1866. The second conversation was in the Spring of 1867. I saw several of their families in May 1867 on Big Creek or Lightning Creek in the Nation. The home of claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave claimant and other colored men permission to occupy two old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire is the name of the other man, I also permitted to go on the old field. The Spring of 1867 I saw Aaron & Louis Whitmire at work on the two fields spoken of. This settlement of colored folks has the character of quiet industrious and law abiding citizens or much as any in the Nation. Some of these people have large and good farms all made by themselves since the war.
Witness with a party of six gentlemen in the fall of 1866 saw this colored party who settled on Big Creek afterwards in the neighborhood for the purpose as they said at the time of selecting their homes. Several claims was then in sight of witness which the colored party said they had selected and are now the homes of the party above indicated.
Agent Jones was at the time advising said Col party. A Delegation for the Cherokee Nation at Washington. There were parties as witness learned from one of them who wished to expel or drive off from their claims this colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole surtivor of this party except the colored man and possibly one other. Occupation of witness is hearding wild, cattle. I travelled a good deal in that neighborhood at that time spoken of.

"Continued on page 283."

Aaron Whitmire et als
vs
Cherokee Nation.

July 18th 1878.

John Riley,
Sworn as witness for Deft. I live in Cooweescoowee Dist. I first moved there in 1852 and have continued to reside there except in time of the war. I came back in the month of August 1866 to the Nation. I knew Aaron Whitmire. He returned or came to the Virdigris River to live in the month of March 1867. Also came at the same time Peter Meigs, Mike Sanders, Sam Webber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Landrum. He had settled no other place before that.

Cross examined.

I don't know of any colored heads of families coming in to the Nation in the month of Decr. 1866 to locate homes but I know of some who came in Sept. '66 for that purpose. I knew where Aaron Whitmire lived at this time. I was near Coody's Bluff in Decr. '66. I live on the west side of the river. Claimant lives and settled on east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I never knew of Blueford Alberty being in that part of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitmire was not along but Mike Sanders, Sam Webber, Colbert & perhaps Billy Foreman. Moses was not along. Dennis was not along as I know of nor Meriah nor Major Wright nor Nelson Whitmire that I know of. If any such party had come down in Decr. 1866 I think certainly I would have known it.

John Riley
Randolph Riley.

(Page 283)

About the middle of May 1867 I first saw this party with their families at their new homes. Claimant and others of this Colored party told witness they returned in March 1867 to the Nation.

Re Direct.

I learned from John Coker that most of the Colored party returned to Kansas after their families and a few remained. I was at General Convention of the Cherokee ~~[illegible]~~ people in 1866. It was witness' understanding the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 is my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. W. Alberty.

Attest
D. L. Nicholson,
Clerk.

Aaron Whitmire
vs
Cherokee Nation.

Tahlequah May 16, 1878.

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N."

Arthur G. Groninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Groninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

F. G. Mauter,

(Seal)

Notary Public.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing and that the same is a true and correct copy of the original transcript.

G. G. Rothenberger

Subscribed and sworn to before me this 31st day of July, 1902.

F. G. Mauter

Notary Public.

GD 851

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1902

Freed. D-331.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of Mary A. Webber for the enrollment of herself and children as Cherokee freedmen.

Applicants appear by Mellette & Smith; Cherokee Nation by W. W. Hastings.

W.W.Hastings: The Cherokee Nation asks that all the testimony taken in freedman doubtful 216, F. D-216, F.D-391, on part of the Cherokee Nation together with the testimony of Aaron Webber, F.D-216, and the testimony of Reuben Sanders in F. D-391 be introduced and made a part of the record in this case.

Mr. Smith: The applicant objects to the introduction of the above for the reason that the same was not taken with reference to this case and therefore without the notice and opportunity of cross-examination afforded by the ruling of this Commission, and for the further reason that the same ~~and~~ is not the best evidence and because it is hearsay and because it does not tend to prove an issue in this case.

Commission: The request of the nation will be complied with and the same will be filed.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

B. L. Rohrenberger

Subscribed and sworn to before me this 19th day of June, 1902.

[illegible]

Notary Public.

Cherokee Freedmen D 1124
" " D 851.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Andrew Webber et al., as Cherokee freedmen.

O R D E R.

It is ordered that a copy of the testimony taken at Nowata, Indian Territory, on June 28, 1901, in the case of William Webber, Cherokee Freedmen D-928, be filed with and made a part of the record in Cherokee Freedmen cases, Andrew Webber, Cherokee Freedmen D-1124, and Mary A. Webber, et al., Cherokee Freedmen D-851.

Commissioner.

Muskogee, Indian Territory,
July 28, 1904.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 28th, 1901.

In the matter of the application of William Webber for enrollment as a Cherokee Freedman; said Webber being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, for Applicant,
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A William Webber.
Q How old are you? A About 51.
Q What is your post office? A Dewey.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself only.

EX MR. SMITH:

Q Mr. Webber, where do you live? A Dewey.
Q How long have you lived in the Cherokee Nation? A I have lived here since '66.
Q Were you a slave? A Yes, sir.
Q When did you belong to? A Robert Webber.
Q Was Robert Webber a Cherokee Indian? A Yes, sir.
Q Was he a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q Where did he live? A Lived in Flint District, at Webber's old Sawmill.
Q In the Cherokee Nation? A Yes, sir.
Q Was he living there at the time the war commenced? A Yes, sir.
Q Where were you living at the time the war commenced? A I was there at home with him.
Q Were you taken out or did you go out of the Cherokee Nation during the war? A I went out a little while, about two or three years.
Q Where did you go to? A Went up into Kansas.
Q When did you return to the Cherokee Nation? A I returned in 1866.
Q What time in 1866? A Along about the middle of the summer.
Q Where did you come to, what part of the Cherokee Nation?
A Up there about Chetopa, Kansas, first.
Q What place did you come to after you got into the Cherokee Nation? A We just stopped along one place and another; the next place I stopped was on Fryer's Creek and we finally worked on down to Spring Creek.
Q Where do you live now? A Up about Dewey.
Q After you come down here in '66 how long did you stay about that place? A I stayed two or three years down about Spring Creek.
Q When did you come up in this part of the country close about Dewey? A I think it was '74.
Q Where have you been living since '74? A Right there where I am now.

BY M. HASTINGS:

Q Who returned with you after the war? A My mother and all her children and step-father.
Q Have Freedmen? A Yes, sir.

Q He is the man that brought you down? A Yes, sir.
A How what brothers did you have? A Had A ndy Webber and James Webber and got two younger brothers, half brother, Eli French.
Q Dave French's child? A Yes sir.
Q What is your mother's name? A Lucinda French.
Q And you say you stopped a while on Timbered Hill?
A Yes, sir, and finally went on and next stopped here at Pryor's Creek.
Q How long did you step at Timbered Hill? A I don't remember; about a month.
Q Anybody living up there at that time? A I didn't see anybody.
Q You just camped around there did you? A Yes, sir, and made next step on Pryor Creek.
Q About what time of the year was that? A Along latter part of the summer or Fall.
Q How many wagoons did you have? A We only had one of our own.
Q How long had you known Mr. French at that time? A I just got acquainted with him there at Gibson in '63.
Q Did he go out with you up there? A He might have went with the family, I didn't go with the family, I was teaming backwards and forwards and went by myself.
Q How long had he been with your mother and family before you come down here? A He was up there off and on.
Q How long had you been with the family? A About three years I stayed up there.
Q Was he up there during that time? A He was up there backwards and forwards.
Q How long had he been there immediately before he came down here; A He was backwards and forwards down here in the Territory.
Q Now, where did you go to when you come down here after you left Timbered Hill? A Went to Pryors Creek.
At whose house? A Didn't go to anybody's house.
Q Just stopped on the prairie? A Camped on the Creek.
Q Dave French was along with you? A No, sir, he was not with us at that time.
Where had he left you? A I don't remember him being there at the time.
Q Did he move down with you? A He started with me.
Q Where did he quit you? A I don't remember where it was.
Q He was your mother's husband at that time wasn't he?
A Yes, sir, but he ha another wagon with some other folks.
Q Do you remember who they were? A No, sir.
Q Didn't know them? A No, sir.
Q Did he camp with you out at Timbered Hill? A He was there a while, we wasn't with him all the time.
Q You came through Chetopa as you come down? A Yes, sir.
Q Wasn't any railroad there then? A No, sir, wasn't any town nothing but a little log hut there was all the house I seen had the name and just one house.
Q You remember it then? A I remember the log hut.
Q Do you remember who was living there? A Yes, sir.
Q It had the name at that time? A Had the name, Chetopa.
Q Did you buy any goods there? A No, sir.
Q Did they have any goods for sale there? A I don't think there was a family living in the house at that time.

Q Where did you settle down and live here? A We stayed on Spring Creek the first settlement we made.
Q When was that? A It was along late in the fall.
Q When did you see L. D. Daniels first after you come back?
A I saw Daniels.
Q At Gibson, didn't you? A Yes, sir, horseracing.
Q Issuing out rations? A No, sir.
Q You didn't apply to him for rations? A No, sir.
Q Did you see him standing on the bank of the river as you crossed the river? A No, sir.
Q Where did you see him? A In Town.
Q Anybody's house? A No, sir, just in town.
Q What time of the year, how long had you been down to Spring Creek? A We hadn't been there but a little while.
Q How old are you now? A 51 years old.
Q What were you doing down to Fort Gibson? A I was just knocking around wherever I could get work.
Q At whose place did you stop there? A With old man Vann, kept a boarding house there.
Q Ervin Vann? A Yes, sir.
Q Polly Rose wasn't cooking there at that hotel, Polly Nivens?
A I didn't see her.
Q How long did you see L. D. around down there? A I saw him there in '63.
Q I mean this last time after you come back? A I saw him there several times around there.
Q When did you see Sam Webber first after you got back?
A I met him on the road.
Q Where did you meet him? A Horse Creek, we was camped there.
Q Which way was he going? A I think he was going north.
Q You didn't introduce either Sam Webber or L. D. Daniels before, did you? A No, sir, I used French.
Q Used Dave French? A Yes, sir.
Q Where did you marry? A I married up there here I am now.
Q When? A In '80, spring of '80.

SAM WEBBER, being duly sworn by Commissioner Needles testified as follows: BY MR. SMITH:
Q State your name? A Sam Webber.
Q How old are you? A About 56.
Q Where do you live. A Two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Recognized citizen? A Yes, sir.
Q Do you know this applicant, William Webber? A Yes, sir.
Q How long have you known him? A Ever since we could remember one another.
Q Was he a slave? A Yes, sir.
Q Whom did he belong to? A Rob Webber.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Where was he living when the War commenced? A Little creek called Caney out west of where we lived.
Q Where was this applicant, William Webber, living at that time.
A Living there with him.
Q Do you know whether William Webber was out of the Cherokee Nation during the war? A Yes, sir.
Q Do you know when he returned to the Cherokee Nation during the war? A The first I noticed of him, I noticed him the latter part of August, '66, up there on Horse Creek.

Q Did you see him once or more than once there? A Only once there.
Q When did you see him next after that?A I saw him; it was either a year or two years after that down on Pryors Creek.
Q Where is he living now?A I was never at his house, he tells he he lives out west of here.

BY MR. HASTINGS:

Q You don't remember seeing him on Horse Creek five years ago did you, Sam? A I wasn't his witness, I would have remembered it if I had been his witness.
Q You are the man that went down to Fort Gibson in 1865? A Yes, sir.
Q And your father and some other people went up to see Chief Downing? A Yes, sir.
Q And you are the man that got some woman and come up here and spent the winter of '65 and 6? A Yes, sir.
Q You didn't have occasion to tell that before the Kern-Clifton Commission before? A No, sir.
Q You had been down here when you et this man? A Yes, sir.
Q Were you on your way back? A Yes, sir.
Q Who was with you? A When I was going back?
Q Yes. A The crowd that built over there on the Creek.
Q What time in the year was it? A Along in August, some time in the latter part as well as I can remember.
Q You met them on Horse Creek? A Yes, sir.
Q Who was with him? A His mother and brother.
Q What other brother? A Andy Webber.
Q Did he have a sister? A Yes, sir.
Q Older or younger? A Older.
Q Who else? A His mother.
Q Who else? A Man by the name of Dave French.
Q Well, was anybody else along? A His Aunts.
Q What were their names? A Rachel and one, Linda.
Q Rachel what? A Rachel Webber.
Q And Linda Webber?A Yes, sir.
Q That was all that was in that crowd? A His sisters, his sister.
Q Well, just what you mentioned? A Yes, sir.
Q Were they camped there? A They was in the wagons.
Q You passed them in the wagons? A Stepped and talked to him.
Q How long didyou stop? A Might have stopped an hour or so?
Q How many wagons did they have? A I never noticed but one.

L. D. DANIELS, being duly sworn by Commissioner Needles, testified as follows: BY MR. SMITH.

Q What is your name? A L. D. Daniels.
Q Where do you live? A Claremore.
Q How old are you? A 56.
Q Do you know this applicant, William Webber?A Yes, sir.
Q How long have you known him? A I have been knowing him a good while.
Q Did you know him before the war? A I got acquainted with him to Fort Gibson.
Q When did you first get acquainted with him? A I think it was in September or October, '66.
Q Did you see him once or more than once at Fort Gibson?
A I saw him there more than that one time; the first time I met him, we was on the race tracktand I met him with Rube Still on the race track.

Q When did you next see him after that time? A I think it was in '71.
Q Where did you see him then? A t Timbered Hill, with Rube Still, 12 miles southeast of Claremore.
Q When did you see him next after that? A I have been seeing him frequently after '76 up where I live up here.
Q How far does he live from you? A About 18 miles I guess.
Q How long has he been living there?A About 25 years or more.
Q Who was his mother? A Cinda webber.

BY MR. HASTINGS:

Q You never saw him before the war? A Not of my knowledge.
Q How old was he when you saw him about Fort Gibson?
A I don't know; looked like a young man.
Q About grown? A A young man.
Q By himself? A Yes sir; he was with Rube Still on the race track.
Q That is the first time you ever saw him?A Yes, sir.
Q Big Crow d of people there? A Yes, sir.
Q And for 35 years you have rtained it in your memory that you saw him up there?A Yes, sir.
Q You remember every one you saw then?A When L. D. lays eyes on them he pretty near knows them.
Q You are willing now to swear that you saw him 35 years ago ?
A Yes, sir.
Q Were you issuing rations at that time?
A I wasn't at that time, I was betting money on the race track.
Q You had a lay off? A We wasn't at that time.
Q You saw him there at that one time?A I saw him there several times.
Q He stayed with Rube Still all the time?A No, he was around there with another man, Steve Smith.

WILLIAM WEBBER, the applicant, recalled. BY MR. SMITH:
Q Do you know whether your name is on the roll of 1880 or not?
A It was put on there and afterwards ir never could be found.
Q What was your mother's name?A Lucinda webber, and she married French and went by his name.
Q Do you know whether Lucinda French's name is on that '80 roll or not?A Yes, sir I think it is.
Q Was she a slave? A Yes, sir.
Q Whose slave was she?A Robert webber.
Q Same man that owned you? A Yes, sir.
Q How when did she come back to the Cherokee Nation?
A When I did.
Q Now you say you think her name is on the roll of 1880?
A I know it is.
Q Who was Lucinda French's husband?A Dave French.
Q David French?A Yes, sir.

The 1880 Authenticated roll of Freedmen of the Cherokee Nation examined and name of applicant's mother found thereon page 106, # line, Linda French, Cooweescoowee District.

Q Now where were you living in 1880? A I was living right where I am now.
Q Did you know another Linda or Lucinda French? A No, sir; that is the only one I know of, I have an Aunt Malinda webber.
Q Was any other David French married to Lucinda French?
A Not that I know of.
Q You live now in Cooweescoowee District? A Yes, sir, I do.

L.D. DANIELS recalled: BY MR. SMITH

Q Mr. Daniels, what did you say the name of this applicant, William Webber's mother, was? A Lucinda
Q Lucinda what? A Webber.
Q Did she ever have any other name besides Webber?
A Not that I know of.
Q Di you know who she was married to? A French.
Q Well did she go by the name of Lucinda French? A Yes, sir.
Q When was she married to French? A I don't know, long time.
Q Do you know whether the Lucinda French, who was the mother of this applicant, was ever enrolled upon the roll of 1880 or not?
A I think so.
Q Well, do you know whether this man ever made any effort or whether he applied to be placed upon the 1880 roll, William Webber?
A He was at my house and I counted them up to have them registered; the census takers stayed at my house three days and sent me out to get the neighbors to come to register and in going to get the neighbors ~~xxxxxxxxxxxxxxxxxx~~ I told him and told him to tell his mother.
Q Do you know of your own knowledge whether his name was ever taken or not? A No, they was all in the house, they would go in the house one by one.

BY MR. HASTINGS:

Q Where did this man living then in 1880? A Living out on Coon Creek.
Q Was he married then? A I don't know whether he was or not.
Q Was he living apperate and apart off to himself? A He was working over on Coon Creek and then he would come in home to his mother's every once in a while.
Q Who was he working for? A For Delawares he told me.
Q Where did you see him? A At Gooseneck bend, below Gooseneck Bend.
Q What time of the year? A In the spring.
Q Where did you see his mother at that time? A She lived in three miles of me.

WILLIAM WEBBER, the applicant, recalled: BY MR. SMITH:

Q Mr. Webber, did you ever have any business in the Cherokee Courts? A No, sir, I never had any since I have been back in the Cherokee Nation, never had any occasion.
Q I will ask you if you ever had any trouble with Harry Still?
A Yes, sir, I did.
Q What kind of trouble? A We and him got into a shooting scrape and he shot me and wounded me.
Q Do you know whether the Cherokee Courts tried Harry for shooting you? A No, sir, they never done anything about it.
Q Do you know whether any action was taken? A No, sir.
MR. HASTINGS: The records ought to show that.
COMM'R MACKLEN: We have thrown away the records a long time ago.
Q Can you state as to whether any complaint was ever made in the Cherokee Court against Harry Still for shooting you? A I don't think there was, not as I know of, I never heard of any.

BY MR. HASTINGS:

Q Your mother married Dave French who was a recognized citizen?
A Yes, sir.
Q She was living with him in 1880? A Yes, sir.

William Webber,-----7.

Q And he did the enrolling for his family? A Yes, sir, guess so.

BY COM'R NEEDLES:

Q Is your name on any of the rolls of the Cherokee Nation?
A On the Wallace roll and Clifton Roll.

BY MR. SMITH:

Q How old were you when you come back here after the war?
A I don't remember, I was about 16 years old I feckon.
Q When you came back here after the war? A Yes, sir.
Q Came back here with your mother? A Yes, sir.
Q Been living here ever since? A Yes, sir.

The 1880 Authenticated Roll and 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 164, #4664, William Webber, Cooweescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 120, #3131, Wm. Webber, Cooweescoowee District; "child of Linda French, #5, Cooweescoowee District."

COM'R NEEDLES: William webber applies for the enrollment of himself. He avers that he is the son of Lucinda webber who marriedone David French. He was the slave of Robert Webber and was taken to Kansas during the war and returned in 1866. He cannot be identified upon the authenticated roll of 1880 or census roll of 1896, but he is fully identified upon the Clifton and Wallace rolls. He avers that he returned to the Cherokee Nation with his mother, and at that time was 16 years of age. The name of his mother, Lucinda French, is found upon the authenticated roll of 1880 and identified as the mother of the applicant. He avers that he has been living in the Cherokee Nation ever since. It appears to the Commissioner that the testimony is plain and conclusive that the said William Webber is entitled to be listed for enrollment as a Cherokee Freedman but because of the protest of the Cherokee Nation, he will now be listed for enrollment as a Cherokee Freedman upon a doubtful card.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this the 16th day of July, 1901

(Signed) T. B. Needles.
Commissioner

Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing and that the same is a true and complete copy of the original transcript.

Edith L. Morey

Subscribed and sworn to before me this the 29th day of July, 1904

Charles N. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Andrew Webber et al., as Cherokee freedmen, consolidating the applications of:

Andrew Webber	Cherokee Freedmen D 1124
Mary A. Webber et al	Cherokee Freedmen D 851

D E C I S I O N.

The record herein shows that application for enrollment as Cherokee freedmen were made to this Commission by Andrew Webber for himself; and by Mary A. Webber for herself, her minor children, Rachel, Andy and Katie Webber, and her minor ward, Charley Smith. Copies of the testimony taken at various times in the cases of Edward Wright, Cherokee Freedmen D 818, Elizabeth Meigs, Cherokee Freedmen D 813, Joe Ross, Cherokee Freedmen D 350, Aaron Webber, Cherokee Freedmen D 216 and Malinda Webber, Cherokee Freedmen D 609, are filed herewith and made a part of the record herein.

The evidence shows that Andrew Webber was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation but returned thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs The Cherokee Nation et al., for the return of freedmen to said nation. It further appears that all the other applicants herein are the children and grandchildren of said Andrew Webber, and claim the right to enrollment as his descendants.

The evidence further shows that said Andrew Webber has lived continuously in the Cherokee Nation since his return thereto, with the exception of a temporary absence in the State of Kansas, and that the other applicants have lived continuously in said Nation since birth.

It is, therefore, the opinion of this Commission that Andrew Webber, Mary A. Webber, Rachel Webber, Andy Webber, Katie Webber and Charley Smith should be enrolled as Cherokee freedmen,

in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,
this NOV 5 1904

Cherok. 3 14 28

Wm. R. [illegible] Nat.

Contract [illegible] Five Civilized Tribes.

FILED
MAY 1 8 1908

J. G. Wright,

Commissioner.

MAY 1 9 1908

This is to certify that I have been legally married to Marsyland Hogg ~~on~~ in March 1908 my roll no is F 3901 Card F 1428

Mary A Hogg

MA

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COPY.

Cherokee Freedmen

D-1124 D-881.

Muskogee, Indian Territory, November 5, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 5, 1904, granting the applications for the enrollment of Andrew, Mary A., Rachel, Andy and Katie Webber and Charley Smith as Cherokee freedmen.

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicants. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

SIGNED: Tams Bixby.
Chairman.

Encl. S-18.

COPY.

Cherokee Freedmen,
D-851.

Muskogee, Indian Territory, December 3, 1904.

Mary A. Webber,

Chelsea, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself and your minor children, Rachel, Andy and Kate Webber, and your ward, Charley Smith, as Cherokee freedmen, together with a copy of the Commission's decision dated November 5, 1904, granting, among others, your said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorneys for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. 3-26.
Register.

COPY.

Cherokee Freedmen
D-1124 D-851.

Muskogee, Indian Territory, December 3, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Andrew, Mary A., Rachel, Andy and Katie Webber, and Charley Smith, as Cherokee freedmen, together with the Commission's decision dated November 5, 1904, granting said applications.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is herewith inclosed.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-27.

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following:

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, December 9, 1904.

Land.

85040-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated December 3, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Andrew Webber for himself; and by Mary A. Webber for herself, her minor children, Rachel, Andy, and Katie Webber, and her minor ward, Charlie Smith.

November 5, 1904, the Commission decided favorably to all the applicants.

The evidence shows that Andrew Webber was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during said war he left the Cherokee Nation but returned thereto on or before February 11, 1867. It further appears that all of the other applicants are the children and grand children of Andrew Webber and claim the right to enrollment as his descendants

The protest of the Cherokee Nation has been duly considered.

In view of the record the approval of the Commission's decision favorable to all of the applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.M.
W.

D. C. 863-1905
I. T. D. 12444-1904.

DEPARTMENT OF THE INTERIOR,

W. C. F.
EHE

LRS

WASHINGTON. December 31, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

December 3, 1904, you transmitted the record in the matter of the applications for the enrolment of Andrew, Mary A., Rachel, Andy and Katie Webber, and Charley Smith, as Cherokee freedmen, including your decision of November 5, 1904, granting said applications.

The Cherokee Nation protests against the action of your Commission in this case.

Reporting in the matter December 9, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision favorable to the applicants is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-851.

Muskogee, Indian Territory, January 12, 1905.

Mary A. Webber,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated November 5, 1904, granting, among others, the application for the enrollment of yourself, your minor children, Rachel, Andy and Katie Webber, and your ward Charley Smith, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 31, 1904.

You are further advised that you will not be permitted to make allotment selections until your names have been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen

D-851, D-1124.

Muskogee, Indian Territory, January 12, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated November 5, 1904, granting the application for the enrollment of Mary A., Rachel, Andy, Katie and Andrew Webber, and Charley Smith as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 31, 1904.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 27, 1905.

Mary A. Webber,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that the names of yourself, your minor children, Rachel, Andy and Katie Webber, and your ward, Charley Smith, appear upon a partial roll of Cherokee Freedmen approved by the Secretary of the Interior on April 19, 1905.

You are further advised that you will be permitted to make allotment selections for yourself and for those whom you are entitled to represent when your ticket of admission is reached in the regular order.

Respectfully,

Chairman.

WASH. D.T. OCT 25 1905
NOW YORK JAN 21 1905
D.T.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
FOR PRIVATE USE $300

Hayden

[illegible] A. W. [illegible]

[illegible] Committee [illegible] Senate

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE
APR 29
9 PM

OFFICIAL BUSINESS
FOR PRIVATE USE $300

Cher Fr 1429

Trans. from Cher Fr D 219

Cher Fr 1429

RECEIVED
FEB
1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 9, 1901.

In the matter of the application of Enoch Daniels for the enrollment of himself, his wife and one child.

Enoch Daniels, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Enoch Daniels.
Q What is your age? A 23.
Q What is your post office? A Spavinaw.
Q What district do you live in? A Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My wife, child.
Q What is your wife's name? A Laura Daniels.
Q How old is she? A She is 19.
Q What is her father's name? A Cornelius Ridge.
Q Is he living? A Yes, sir.
Q What is her mother's name? A Laura Ridge.
Q Is she living? A Yes, sir.
Q What is your child's name? A Ralph Daniels.
Q Are you a recognized citizen? A Yes, sir.
Q Your name on the roll of 1880? A No, sir, I believe not.
Q What is your father's name? A George Daniels.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Eliza Daniels.
Q Is she living? A No, sir.
Q Is your wife a citizen? A Yes, sir.
Q How old is your child? A 6 months old.
Q Is your wife's father and mother on the roll of 1880? A I don't know, sir.
Q Where is your wife's father, here? A Yes, sir, he was here.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant Enoch Daniels not identified thereon.
Parents of Laura Daniels not identified thereon.
Q Well, what proof have you got that you are entitled to be enrolled or your wife is entitled to be enrolled? A Well, my daddy, George Daniels, is here.

George Daniels, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Your name is George Daniels? A Yes, sir.
Q What is your post office? A Spavinaw.
Q You know Enoch Daniels? A Yes, sir.
Q Is he your son? A Yes, sir.
Q Is his name on the roll of 1880? A No, sir.
Q Has he always lived in the Cherokee Nation? A Yes, sir, always has.
Q Where was he born, in the Cherokee Nation? A Yes, sir.
Q What is his mother's name? A Eliza Daniels.
Q Is her name on the roll of 1880? A No, sir, I don't think it is.
Q Is she living? A No, sir.
Q Were you married to Eliza Daniels? A Yes, sir.
Q How long did you live with her? A Six or seven years, maybe longer.
Q Was Enoch born while you were living with Eliza as man and wife?
A Yes, sir.
Q Did you live with her till her death? A Yes, sir.

Enoch Daniels, recalled, testified:
Q Have you got any proof of this child? (Exhibits paper.)
Q Have you got any proof of your wife's citizenship; your wife's father nor mother are not on the roll of 1880? A Her father is here.

The Kerns-Clifton roll examined, Mars and the applicants iden-

tified thereon as follows:

Enoch Daniels on page 113, No. 2055, no district given:

Q Was your wife ever married before she married you? A No, sir.

Q Her name when you married her was Ridge? A Yes, sir.

Laura Daniels on page 157, No. 5879, Coowescoowee district, as Neely Ridge.

Commissioner: Enoch Daniels applies for the enrollment of himself, his wife, Laura, and his son Ralph. His name is found upon the Kerns-Clifton roll, but cannot be found upon the authenticated roll of 1880. He avers that he is the child of George and Eliza Daniels. The names of George and Eliza Daniels cannot be found upon the authenticated roll of 1880. George Daniels, the father of the application, made application to be enrolled on the 7th of May, and his name was placed on Cherokee Freedman Card D.194, and reference is made to the testimony given in the case of the application of the said George Daniels as to the citizenship of the said Enoch Daniels.

He avers that his wife Laura is the child of Cornelius and Laura Ridge. Her name does not appear upon the authenticated roll of 1880, neither does the name of her father or mother, but her name does appear upon the Kerns-Clifton payroll, as per page and number of the roll as indicated in the testimony; consequently reference is made to the testimony that will be taken in the case of Cornelius Ridge when he applies to be enrolled as a Cherokee Freedman, as to the citizenship of said Laura, wife of said Enoch Daniels.

Applicant makes satisfactory proof of birth as to the child, Ralph Daniels;

Enoch Daniels, his wife Laura, and his child Ralph, will be placed upon a doubtful card awaiting further investigation by the Commission, and it will be necessary for him to file with this Commission a certificate of his marriage to his wife Laura.

The decision of the Commission will be forwarded to the applicant by mail.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 10th of May, 1901.

Commissioner.

(P)

3D219

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
9 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 9, 1901

Post Office Tahlequah I.T.

District Tahlee

1. Name Enoch Daniels Age 23

Owner's name Citizenship

Year N.B. Page 115 No. 2855 District

Parents:

Father Geo Daniels – living Citizenship

Mother Eliza " – dead Citizenship

2. Name of wife Laura Daniels Age 19

Owner's name Citizenship

Year C.B. Page 157 No. 3879 District Coo

Parents:

Father Cornelius Ridge – living Citizenship

Mother Laura " – living Citizenship

Names of Children:

		Year	Page	No.	Dist.
3.	Kathin Daniels				
4.					
5.					
6.					
7.					
8.					
9.					
10					
11.					
12.					

6 mos

Application made by Enoch Daniels Stenographer E. C. Jones

2 Cert. C. Colo. as Neely Ridge
3 Aff of birth required.
Cert of marriage required

114

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District. } ss.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 1 1901
Acting Chairman

I, ~~JAMES A. WINSTON,~~ Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed in my office the 10 *day of* March 1900 *, at* *M., and duly recorded in Book* D *, Marriage Record, Page* 285

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 29 *day of* March *A. D.* 1900.

A. Davidson *Clerk.*

By *Deputy.*

A. DAVIDSON

CERTIFICATE OF RECORD.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILE
MAY 11 1901
ACTING CHAIRMAN

UNITED STATES OF AMERICA,
INDIAN TERRITORY. } ss.
Northern District.

I, ~~JAMES A. WINSTON,~~ Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed in my office the 10 day of Mch 1900, at M., and duly recorded in Book D, Marriage Record, Page 287

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 29 day of Mch A. D. 1900.

Clerk.

By T. Davidson *Deputy.*

T. A. DAVIDSON.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District. } ss. No. 73

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE, GREETING:

You are Hereby Commanded to Solemnize the Rites and publish the Banns of Matrimony between N. Enoch Daniels of Chaffee, in the Indian Territory, aged 22 years, and Laura Ridge of Chaffee, in the Indian Territory, aged 17 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Vinita, Indian Territory, this 16 day of January, A. D. 1900

Chas A. Davidson
Clerk of U. S. Court.

By A. Chandler Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District. } ss.

I, [illegible], a Minister of the Gospel, DO HEREBY CERTIFY, that on the 21 day of January, A. D. 1900, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 21 day of January, A. D. 1900

My Credentials are [illegible] Court of the United States [illegible] Territory Northern District Book 7 Page [illegible]

[illegible]
Minister of the Gospel.

NOTE [illegible]

File with Enock Daniels, et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 6th, 1901

In the matter of the application of George Daniels for the enrollment of himself, wife and two minor children as Cherokee Freedmen; said Daniels being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A George Daniels.
Q How old are you? A I am 40 some odd, I don't know.
Q What is your post office? A My post office is Spavinaw.
Q In what district do you live? A Saline.
Q How long have you lived in the Cherokee Nation? A I have lived in the Cherokee Nation about all my days; was out a little time of the war and afterwards I have been back in the Nation.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes, sir; always has been.
Q Always been put on the rolls? (No response)
Q Have you always been admitted to enrollment? A Yes, sir, all but one time.
Q What time was that? A 1880 I think it was.
Q Give me the name of your father? A Toner Daniels.
Q Is he alive? A No, sir.
Q How long has he been dead? A He has been dead ever since along in '65 I guess.
Q Give me the name of your mother? A Syntha Daniels, belonged to Woodal.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A Ever since before the war.
Q How long before the war? A Right at the beginning of it.
Q Died when you were a baby? A Yes, sir, I was small
Q Give me the name of your wife? A Frances Daniels.
Q How old is your wife? A She is 40 something, I don't know.
Q About your age is she? A Yes, sir, she was a child before the war.
Q Is she a Cherokee Freedman of her own right? A Yes, sir.
Q How long hassshe lived in the Cherokee Nation? A Ever since, since the war.
Q Give me the name of her father? A Turk Vann.
Q Is he dead? A Yes sir.
Q How long has he been dead? A I could not tell you, six or seven years, I guess, maybe not so long.
Q Give me the name of your wife's mother? A Virtie Barlow.
Q She is alive now? A Yes, sir.
Q When were you and your wife married? A I could not tell you, along in 1880, my last wife.
Q Your present wife? A Yes, sir.
Q Was she ever married except to you? A No, sir.
Q How many times were you married before you married her? A Once.
Q Was that wife dead when you married this wife? A Yes, sir.
Q Has this wife lived with you ever since you married her in 1880?
A Yes, sir.
Q Give me the names of your two children for whom you apply? A
A Nathan Daniels.
Q How old is that child? A He is about 13.
Q Now give me the name of the next child? A Henry.
Q How old is he? A He is about 11.
Q That is the youngest is it? A Yes, sir.
Q Are these children both living now? A Yes, sir.
The 1880 authenticated roll of citizens of the Cherokee Nation examined and the applicant's name not found thereon.
Q What was your wife's mother name in 1880, was it Barlow? A No, sir, it must have been Johnson if I don't mistake.
The 1880 authenticated roll of citizens of the Cherokee Nation examined and the name of applicant's wife's father found thereon, page 672, No.1808, Turk Vann, Saline District.

The 1896 census roll of citizens of the Cherokee Nation examined and the names of applicants not found thereon.

Q Did your wife draw Cherokee strip money? A No, sir.

Q Did you draw Cherokee strip money? A No, sir, I never drawed it only.

Q The Wallace? A No, sir, I drawed that too, but the first one.

Q You drew Cherokee strip money? A Yes, sir.

The Kern-Clifton Roll of citizens of the Cherokee Nation examined and the names of applicants found thereon as follows:

Page 115, #2854, George Daniels. (No District given).

Page 159, #3926, Frances Daniels, Goweseoowee Dist.

Q Didn't your child, Nathan, draw strip money? A Yes, sir.

Page 115, #2857, Matt Daniels (No district given).

Page 115, #2858, Henry Daniels (No district given).

Q Well, you are too young to remember where you were at the close of the war between the North and the south? A Yes, sir; I can tell you where I was at the close of the war.

Q Where were you? A I was in the Choctaw Nation at the closing of the war.

Q You just know that by hearsay, you don't remember it?

A I was in the, went south from the breaking out of the war.

Q You went down to the Choctaw Nation, did you? A Yes, sir.

Q How long did you stay there? A Stayed there until the war ceased.

Q Do you know when you come back? A Know when they said I come back.

Q When was that? A They said I come back in '65.

Q Who brought you back? A The people I belonged to.

Q Who was it you belonged to? A I belonged to Bob Daniels' sister and she married a Woodal.

Q What was her name? A Ann Daniels before she was married.

Q And then she married a Woodal? A Yes, sir.

Q Is she dead? A Yes, sir.

Q She is your mother living? A She is dead.

Q But your wife's mother is living? A Yes, sir, she is living in Illinois district on Grand River.

Q Well, is there anybody here who knows that you were brought back in 1865? A Yes, sir, uncle Simon there.

SIMON LYNCH, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q What is your full name? A Simon Lynch.

Q How old are you? A About 72 or 75, best that I know.

Q How long have you lived in the Cherokee Nation? A All my life.

Q What is your post office now? A Spavinaw.

Q Were you a slave in old times? A Yes, sir.

Q To whom did you belong? A Joe Lynch.

Q Do you know Bob Daniels? A Yes, sir.

Q He owned slaves, did he? A Yes, sir.

Q Did you know his sister, Ann? A Yes, sir.

Q Whom did she marry? A Woodal.

Q Do you know his full name? A Tom Woodal

Q Did she marry him before the war? A Yes, sir.

Q How far did Mrs. Woodal live from where you lived before the war?

A It is, I just really don't know how far it is; it is down in Going Snake district.

Q Did you live in Going Snake district? A No, sir, I live in Saline.

Q Quite a distance though? A Yes, sir.

Q Did you know Mrs. Woodal? A Yes, sir; Mrs. Woodal was my first Mistress.

A You had once belonged to her? A Yes, sir.

Q Did you know a woman named Cynthia Daniels? A Yes, sir, my sister.

Q Was she the mother of this boy, George, here? A Yes, sir.
Q Did she belong to Mrs. Woodal? A Yes, sir.
Q How long has your sister, Cynthia, been dead? A Oh, it has been, died here before the war.
Q This George Daniels must be a great deal over 40 years of age?
A I don't know how old he is.
Q He is Cynthia's child is he? A Yes, sir, he is her child.
Q Well, where did you go during the war? A Kansas.
Q Whereabouts in Kansas? A I forget what the name of the County is, but it is Neosho Falls.
Q What did you do up there? A Farm.
Q How long did you stay up there? A Four years.
Q When did you go up there? A '61 or '62.
Q And then you came back down to the Cherokee Nation?
A Yes, sir.
Q Your sister, Cynthia, she died just before the war? A Yes, sir.
Q What became of this child, George? Q He stayed there with his Master and Mistress until they went south.
Q You were not down there with them? A No, sir.
Q You don't know where theynwent? A No, sir, they said they went south, that is all I know about it.
Q Where did you go when you came back from Kansas? A I lived down on this Creek here one year in 1866 and then I went back on the river.
Q In what year did you go back on the river? A '67.
Q When did you first see this George Daniels after you got back from Kansas? A It was in '67 when I seed him, they sent after him, he was sick down there.
Q Down in the Choctaw country? A No, sir, down in Going Snake.
Q He was sick down in Going Snake and your people sent for him?
A Yes, sir, my mother sent for him.
Q And he was sick in Going Snake? A Yes, sir.
Q Do you know the wife of George Daniels? A Yes, sir.
Q What is her name? A Her name is Frances.
Q Did you know her father? A Yes, sir.
Q To whom did he belong? A Belonged to Mr. Vann.
Q What was his full name? A Turk Vann was her father.
Q To whom did Turk Vann belong? A Joe Vann.
Q Is that the one that is known as old Rick Joe Vann? A No, sir, I guess not.
Q Where did this Joe Vann live? A In Saline district.
Q He was a Cherokee citizen was he? A Yes, sir.
Q Do you know Frances Vann's mother? A Yes sir.
Q What was her name? A Her name is Mintie.
Q She is alive now isn't she? A Yes, sir.
Q To whom did she belong? A Mr. Vann.
Q Joe Vann? A Yes, sir.
Q How far did this Joe Vann live from where you lived before the war? A I don't know just how far, it is about 22 or 23 miles, to the best of my knowledge.
Q How did you happen to know the colored people that belonged to him? A I was with him all the time backwards and forwards.
Q Now this woman, Frances, George Daniels' wife, where was she during the war? A Well, sir, I don't know where, she was here during the war.
Q You don't know when she got back? A No, sir.
Q How about Mintie, her mother? A I don't know just about when she come back.
Q You can't answer as to that? A No, sir.

By W.W.Hastings, Cherokee Representative:

Q What time was it you sent for this fellow in 1867, was it in the summer or fall? A I can't tell you just exactly when it was, I don't recollect just what time it was.

By Commissioner Breckinridge:
Q You dont know how long he had been there in Going Snake when you sent for him? A I heard he had been there about a year.

GEORGE DANIELS, the applicant, recalled, testified as follows:
By W. W. Hastings:
Q Your Mistress' name at the opening of the war was Ann Woodal?
A Yes, sir.
Q And her husband was named Tom Woodal? A Yes, sir.
Q And she lived in Going Snake district before the war? A Yes, sir.
Q And she came back to Going Snake? A Yes, sir.
Q You claim you went south with her and came back with her?
A Yes, sir.
Q Did they have any family? A Yes, sir.
Q What children of hers are living? A I don't know of none now as I can think of but one.
Q What is his name? A Charlie Woodal.
Q Where does he live? A Going Snake, right at the old place where I was born.
Q He was the one that was killed? A No, sir, he aint killed as I heard of.
Q He waskilled? A I didn't know he was killed.
Q You say you think he is alive? A Yes, sir.
Q About how old is he, older or younger than you? A He is younger; when they sent for him he was just a little fellow, just small.
Q You lived right near Ned Foreman right over there? A Yes, sir; I recollect Ned.
Q He knows when you come back with the Woodals don't he? A Yes, sir.
Q Do you remember any other neighbors that lived over there in Going Snake district when you came back after the war? A I can't tell of them, there is some that I know, I was pretty small; I didn't stay there no more than a year until they sent for me.
Q You were not but five or six years of age? A No, sir.
Q Your mother died before the war? A Yes, sir.
Q You were just a baby when they took you out? A Yes, sir, I was small, my grandfather sent for me and raised me.
Q What was your grandfather's name? A Griffin Daniels.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife, and two children. He is identified on the Kerns-Clifton roll, but now upon the roll of 1880 or upon the roll of 1896.

Applicant: I know why I am not on the roll of 1880.
Q Why were you not put on the roll of 1880? A I was living in Saline district all the time up until I married and after I married I took a claim in Delaware district, and when Joe Thompson come round taking the census roll he didn't know me and he went on by my house and didn't take the census. I have been in Saline all my days, been voting there and have not been deprived of anything; the first voting I done was in Saline District, and I was over there as a stranger and Joe Thompson didn't know me, that is how come me not to be on the 1880 roll.

For the further consideration of his application, as set forth in the testimony, he will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

His wife is identified on the Kerns-Clifton roll, but not upon the roll of 1880 or the census roll of 1896. Her deceased father is identified on the roll of 1880, but her mother, now living, is not identified upon that roll. The applicant's wife will be listed for enrollment as a Cherokee Freedman on a doubtful card for the further consideration

of her case. Their two children, Nathan and Henry Daniels, are identified on the Kerns-Clifton roll, but not upon the Census roll of 1896. They are living and will be listed for enrollment as Cherokee Freedmen upon the doubtful card with their father and mother.

Supplemental Testimony in the above application.

SIMON LYNCH, Witness, re-called, testified as follows:
Examination by Commissioner Breckinridge:
Q I believe you said that you know Frances Daniels, the wife of George Daniels? A Yes, sir.
Q How long have they been married? A Well sir, I don't recollect just how long.
Q Well? A About ten or twelve years I guess.
Q You think it is only about ten or twelve years? A Yes, sir; to the best of my knowledge, I just don't know.
Q Well, did you know her long before she married him?
A Yes, sir, I knowed him before the war.
Q You have known her about all her life? A Yes, sir.
Q Was she ever married except to this man? A She has had some children, but I don't know whether she was ever married.
Q You have known her all the time? A Yes, sir.
Q Did she and any other man ever live together as husband and wife? A No, sir, not as I know of.
Q Never held each other out as you know of? A No, sir.
Q Have you been knowing her for years right along?
A Yes, sir.
Q Do you know that she never kept house with any man and lived there as his wife? A No, sir.
Q Were you in a position to know that she never did it?
A Yes, sir.
Q Was this man, George Daniels, ev r married before? A Yes, sir.
Q How many times? A Once.
Q Was his former wife dead when he married this wife? A Yes, sir.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson

Subscribed and sworn to before me this 7th day of May, 1901.

Signed, T. B. Needles,

Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 7, 1901.

Supplemental testimony in the matter of the application of George Daniels, taken on part of the applicant, represented by his attorney, D. M. Wisdom, and representative W. W. Hastings of the

Cherokee Nation being present.

William Foreman, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A William Foreman.

Q What is your age? A 64 past.

Q What is your post office address? A Wagoner.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q By blood? A Yes, sir.

D. M. Wisdom, applicant's attorney: Are you acquainted with George Daniels, the applicant in this case? A Yes, sir.

Q How long have you known him? A Since the spring of '66; in May or June.

Q Was he in this country in the spring of '66? A Yes sir, in Saline district.

Q How did you come to see him there and kn w him? A He worked for me that year and spring.

Q He worked for you in the spring of '66? A He worked oxen for me; he broke some new ground.

Q He is a Cherokee Freedman? A Yes, sir, his owner was Woodall. His Mistress was a Daniels, and she married Woodall.

Q He sometimes goes by the name of Daniels and sometimes Woodall? A His owned was named Woodall; he has taken the name of Daniels ever since I have known him. I taken the census in 1880 in Saline District. My recollection is that I put him down as George Woodall in Saline district. I wouldn't be positive. It required that all slaves had to take their master's name. He was living with his grandfather, Griffin Daniels, and I think I put him down as George Woodall.

W. W. Hastings: You took the roll of 1880 in Saline District? A Yes, sir; old John Daniels was my interpreter.

Q What time did he work for you in the spring of '66? A In May or June; I think it was in June we were breaking up some new ground; that was in Saline District on what is called Lynch's Prairie.

Q Who were some of your neighbors at that time? A George Scraper, old man Scraper, my father-in-law at that time, Anderson B enge, he is dead; George Clark, Watt Christie, he is dead. George Clark is living.

Q What kind of a team did you break ground with? A With oxen or stags.

Q You know he broke ground for you in the spring of '66?, in May or June? A Yes, sir.

Q He broke with these oxen? A Yes sir.

Q You are positive? A Yes sir.

Q You know it? A Yes sir.

Q You were a witness for a good many colored people five years ago? A Yes, sir.

Q You took notes from a good many of them for fees to be a witness? A Yes, sir, three or four.

Q What is the largest amount they gave you as notes for being a witness for them in 1896? A $25.00 is the largest I ever charged any of them.

Q Isn't it a fact you charged them as high as $200.00? A I took a note from the Robinson boys; there were five of them, and I took a note from them.

Q For $185.00? A Yes, sir.

Q For being a witness in the one case? A Yes sir.

Q How many more notes did you take besides the Robinson case? A I think two more was all. I have one of them yet; never collected it.

Q What other case did you collect notes? A A woman, I forgot her name. Andy Daniels he paid me.

Arthur Bean, being sworn and examined by Commissioner T. B.

Needles, testified as follows:

Q What is your name? A Arthur Bean.
Q What is your age, Mr. Bean? A 58.
Q What is your postoffice address? A Vinita.
Q Are you a Cherokee Freedman? A Yes sir.
D. M. Wisdom- Do you know George Daniels, the applicant here?
A Yes, sir.
Q When did you know him? A In '66.
Q Where did you know him? A Down on the river.
Q On Grand River? A Yes sir.
Q In Saline district? A Yes sir.
Q What was he doing there? A He was there with his grandfather at the time.
Q Living with his grandfather who? A Griffin.
Q How far did you live from his grandfather? A About a mile, I guess.
Q How old was he -- a good chunk of a boy? A Yes, sir, a good chunk of a boy.
Q Do you know whether he was in the employment of Mr. William Foreman? A No sir, I don't; I wasn't with him in the spring. I got acquainted with him in the fall of '66.
W. W. Hastings: Arthur, how old are you? A 58 years old.
Q You are not on the roll of 1880, are you? A No sir.
Q You have not been recognized? A No sir, not on that roll.
Q Well, you swear that George Daniels was there in the spring of '66? A No, sir, I said in the fall of '66 when I seen him.
Q With whom was he living? A With his granddaddy, Griffin Daniels
Q Was Griffin living on a place of his own down there? A Yes, sir
Q Who were some of Griffin Daniels' neighbors? A Spring Frog.
Q He is dead? A Yes sir.
Q Anybody living? A George Clark.
Q G. W. Clark? A Yes, sir.
Q If Simon Lynch testified that George Daniels come back to Goingsnake and that he sent down and got him in the spring of '67, and he come back in '67 the first time, he is mistaken? A Yes, sir, he is mistaken; I noticed that yesterday.
Q If he swore that that was a mistake? A Yes, sir, that was a mistake.
Q Do you know who George come back with? A I know who he come up here to Lynch's Prairie with, with George Eton.
Q Is George a colored man? A Yes, sir.
Q Is he alive? A No, sir, he is dead.
D. M. Wisdom: Is George Eton related to this man? A I don't think he was any relation.

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The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed, E. G. Rothenberger

Subscribed and sworn to before me this 8th day of May, 1901.

Signed, T. B. Needles,
Commissioner.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he copied the foregoing testimony, and that the same is a true copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 28th of May, 1901.

T B Needles

Commissioner.

S U P P L E M E N T A L T E S T I M O N Y.

F.-D.#219.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 10th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Enoch Daniels, et al., as Cherokee Freedmen:

LAURA NEELIE DANIELS, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Laura Neelie Daniels.
Q How old are you? A 19.
Q What is your post office address? A Spavinaw.
Q What district do you live in? A Saline.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to ~~ex~~ enroll anybody besides yourself?
A No, sir.
Q Are you married? A Yes, sir.
Q Is he a citizen? A Yes, sir.
Q Has he applied to be enrolled himself? A He has done been in.
Q What is your father's name? A Cornelius Ridge.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Laura Ridge.
Q She is living? A No, sir.
Q Have you got any children? A He has one but he put it in himself
Q The child has already been enrolled with its father? A Yes, sir
Q What is its name? A Ralph Daniels.
Q Where were you ~~xxxxxxx~~, ~~x~~ born, Laura? A In the Nation.
Q Cherokee Nation? A Yes, sir.
Q Live here all your life? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

COM'R NEEDLES: It appears that the said Laura Daniels has been listed for enrollment by her husband on Doubtful card #219, and the testimony taken in the case of the application of her father, Cornelius Ridge, who was listed for enrollment on card D.#686, will be made part of the record in the present case and a copy ~~xx~~ thereof will be filed herewith. And the testimony now taken together with a copy of the testimony of Cornelius Ridge will be filed with D. card #219, upon which card the said Laura Daniels is listed for enrollment as the wife of Enoch Daniels.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and compete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and swern to before me this 21st day of June, 1901.

Commissioner.

FILED
JUL 19 1901
ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 15th, 1901.

In the matter of the application of Katie Ridge for enrollment as a Cherokee Freedman; she being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Katie Ridge.
Q How old are you? A I guess I am 34, I was 16 when the stars fell
Q What is your postoffice address? A Spavinaw.
Q Is that in Delaware district? A No, sir, in Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A I can't hear good.
Q Is your name on the roll of 1880? A No sir.
Q Did you draw strip money? A Yes sir.
Q Who do you want to have enrolled besides yourself? A No one sir.
The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.
Q You say your name is not on the roll of 1880, do you know why?
A No sir.
Q Was you a slave? A Yes sir.
Q Who owned you? A Herman Ridge.
Q Was he a Cherokee Indian? A Yes sir.
Q Did he live here in the Cherokee Nation? A Yes sir, he lived here a part of the time.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A Springfield, Missouri.
Q How long did you stay there? A Three years.
Q When did you come back to the Cherokee Nation? A In 1866.
Q Have you been lived in the Cherokee Nation ever since 1866?
A Not all the time; when we come back here we staid a little while and then went up to Joplin; when we come home here there was nothing to eat and we was about to starve and we heard that Joplin was a good town and we went up there and then come back here again.
Q Did you go from Springfield to Joplin or did you come here first?
A No sir we come up on Honey Creek and then to Joplin.
Q How long did you stay in Joplin? A Three years.
Q Did you come back here then? A Yes sir.
Q Have you lived here ever since? A Yes sir.
Q Where did Hiram Ridge live? A Most of the time in Fayetteville, his mother took the children there to school them.
Q Was that in Arkansas? A Yes sir.
By L. B. Bell, Cherokee representative;
Q Did you go into Arkansas with Mrs. Ridge, that is Hiram's mother when she moved up there? A No sir we staid on her farm; when she went up there her farm was still on Honey Creek.
Q How long did you stay on that farm? A I don't know; it was kept up a good while; part of the time we would be on the farm, we would go there and work and when they did not need us there they would take us back to Fayetteville and hire us out.
Q What was your husband's name, or did you have one? A Henry Ridge
Q Did you know old Peter? A Yes sir he was my brother in-law.
Q Did you know Dr. Polston? A Yes sir.
Q Where did he live? A On Honey Creek.
Q Did you live with him? A Not all together, just some of the time I would stay with him.
Q Where were you in '61 when this war broke out? A Well I was staying down to Polstons then and then back to Fayetteville. Herman Ridge and Polston's wife was brother and sisters.
Q Didn't you live out closer to Bentonville than to Fayetteville?
A My mistress lived there away after they killed John Ridge, she went from Honey Creek on to near Bentonville then.
Q

Q How long did you live on that farm? A I don't know.
Q When did Felsten live on that farm? A I don't know exactly.
Q How long had he been living there when the war broke out?
A I don't remember.
Q Several years? A I don't know.
Q You don't know nothing about it? A I don't know of him all the time.
Q Herman Ridge lived in Washington County Arkansas didn't he? A No sir.
Q Well, tell me where he lived then? A In Fayetteville.
Q That is in Washington County? A I didn't know.
Q He was Mrs Ridge's son? A Yes sir.
Q He lived up there when she moved there? A Yes sir.
Q And that was right after the killing of John Ridge? A Yes sir.
Q He lived there until the war broke out and then he went to the war himself and got killed? A Yes sir.
Q Where is your husband Henry? A He is dead, he died in smallpox time.

By the Commission:

Q Where did your master die when he was killed? A Somewhere in the Territory - he was in the Southern Army.
Q Was he married or single? A Single.
Q He went to the army from Arkansas? A Yes sir.

SIMON LYNCH, called and sworn as a witness by Commissioner T.B. Needles, testified as follows on the part of the applicant:

Q What is your name? A Simon Lynch.
Q How old are you? A 71.
Q What is your postoffice address? A Spavinaw.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes, sir.
Q Is your name on the roll of 1880? A Yes sir.
Q Do you know Katie Ridge? A Yes sir.
Q How long have you known her? A I don't know how long it has been, I knew her before the war.
Q Who did she belong to? A Mr. Ridge.
Q Was he a Cherokee citizen? A Yes sir.
Q Was he an Indian? A Yes, sir.
Q Where did he live? A On Honey Creek.
Q Was Katie taken out of the Cherokee Nation during the war?
A I don't know.
Q Where did you first see her after the war? A On Honey Creek.
Q When was that? A In '86.
Q Has she been living there ever since? A No sir she left there once.
Q She went to Joplin didnt she? A Yes sir.
Q Was she been living here for the last 30 years? A Yes sir.
Q Her master was who? A Herman Ridge.
Q Was he a single man when he was killed? A I don't know.
Q Do you know of him ever living outside of the Cherokee Nation?
A I think he did.
Q Was he living in Arkansas? A Yes, sir.
Q Was that before the war? A Yes sir.
Q Who did he live with in Arkansas, his father and mother?
A I don't know.

By L. B. Bell:

Q What time of the year was it you see the applicant on Honey Creek in '86? A The summer of '86, I don't know just what time, but it was in the summer time.
Q What was you doing there? A I went to Southwest City.
Q You saw this woman where? A At the old place, Mr. Somebody owned it then.

Q Was he there? A No sir.
Q How far is that from Southwest City? A Taint very far, I don't know just exactly.
Q Is it a half a mile? A Yes sir several miles.
Q Were you ever at the place before? A Yes, sir, been there lots of times there.
Q What was you doing there? A I went to Mr. Woodall's shop and staid at Mr. Ridge.s every time I went to the shop.
Q Where did you go to from the shop? A On Eatich Prairie.
Q When did you come here first after the war? A The first time I came was in '65, and then moved here in '66.
Q What time in 66 did you move here? A In February.

Applicant recalled: Examined by Commissioner Needles:
Q Did you get your strip money? A Yes, sir.
The Kern-Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 156, No. 1363, Katie Ridge, Coowescoowee district.

By Com'r Needles, -

Katie Ridge applies for herself; she is not found on the authenticated roll of 1880 or the census roll of 1896 but she is identified on the Kerns Clifton roll; she makes satisfactory proof as to her residence and will be listed for enrollment as a Cherokee Freedman on a doubtful card for the reason that her name is not found on the authenticated roll of 1880 and from the further fact that her citizenship is contested by the Cherokee representatives. When the Commission arrive at a conclusion in her case she will be notified by mail.

= = = =

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Signed, Chas. von Weise

Subscribed and sworn to before me this the 18th day of May, 1901 at Vinita, I.T.

Signed T. B. Needles,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16, 1901.

In the matter of the application of Katie Ridge for enrollment as a Cherokee Freedman.

Supplemental testimony.
Applicant present.
Cherokee Nation present, by its attorneys.

Anderson Lynch, being duly sworn and examined by Commissioner Needles, testified as follows:
Q Your name is Anderson Lynch? A Yes, sir.
Q How old are you? A About 64.
Q What is your postoffice address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q You know Katie Ridge? A I didn't know her when I first saw her, when I first saw her they were up there on Honey Creek and someone said that was the Ridges.

Q What year was that? A That was along in the fall of '66, I think it was.

Q You saw her in the fall of 1866 then? A Yes, sir.

Q You have known her since that time? A Yes, sir, after they came down here, I got acquainted with them; he said it was some of the Ridges that was up there on Honey Creek.

Q Do you know the Katie Ridge, the applicant here, as the same woman you saw on Honey Creek in the fall of 1866? A Yes, sir.

Q Do you know whether she was a slave or not? A No, sir, I don't know all the Ridges, all I know about them is what Simon was telling me.

Q Simon who? A Simon Lynch.

Q Did you know them before the war? A No, sir, he knew them.

By L. B. Bell, Cherokee attorney: Where were you going in '66?

A Going up to Southwest City.

Q How far is Southwest City from where they were living? A I don't know, sir, I never noticed; the first time I ever had been there, and I just went along with Simon.

Q About what time of the year was it? A It was long in the fall like.

Q Can you recollect, early or late A It was early, it wasn't so cold, I know we slept out, we were going up there.

Q You don't recollect then how far it was from where they lived to Southwest? A No, sir, I expect Simon knows, he was acquainted up there and I wasn't.

Q You went on from there to Southwest City did you? A Yes, sir.

Q Now where was Southwest City, in the Cherokee Nation or Missouri?

A It was in Missouri or Arkansas, I don't know which, it was across the line.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce C. Jones.

Sworn to and subscribed before me this the 16th of May, 1901.

Signed, C. R. Breckinridge

Commissioner:

****

Bruce C. Jones, stenographer to the Commission to the Five Civilized Tribes, being duly sworn, says that he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce C. Jones.

Sworn to and subscribed before me this the 16th of July, 1901.

Commissioner.

F. D. 219.

Served

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 16 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF The application of Enoch Daniels for enrollment as a Cherokee Freedman:

Case No F. D. 219

To Enoch Daniels or Melette & Smith Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Indian Territory, on the following dates, to-wit: Oct. 2d at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 10 day of 1901 . 1901.

Service of above notice accepted Sept 13-01
Melette & Smith
Attys.

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 23 1901

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee I.T. Oct 23-1900

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Emma McIntosh for enrollment as Cherokee Freedmen.

No. C.F.N. 219

J. P. Bledsoe
Agent for applicant.

FILED
JUL 10 1901

ACTING CHAIRMAN

File with Enoch Daniels, et al., Cherokee Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 7th, 1901.

In the matter of the application of Cornelius Ridge for the enrollment of himself and three children as Cherokee Freedman and for the enrollment of his wife as a Cherokee Freedman by intermarriage; said Ridge being sworn and examined by Commissioner T. B. Needles, testified as follows:

Appearances:
Messrs. Mellette & Smith, for Applicants;
Mr. W.W.Hastings for Cherokee Nation.

Q What is your name? A Cornelius Ridge.
Q What is your age, Mr. Ridge? A About 48 I guess.
Q What is your postoffice? A Spavinaw.
Q What district do you live in? A Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Do you desire to enroll anybody besides yourself, Mr. Ridge?
A Wife and three children.
Q What is your wife's name? A Laura.
Q How old is Laura? A She is about 45.
Q What is the name of your first child? A Pearl.
Q How old is Pearl? A About 14 I guess.
Q The next child? A Jesse.
Q How old is Jesse? A 18.
Q The next one? A Myrtle.
Q How old is Myrtle? A I guess she is about eight.
Q Is your name on the roll of 1880? A No, sir.
Q Is your wife's name? A No, sir.
By Mr. Smith:
Q Where do you live? A I live in Saline District, Cherokee Nation.
Q Who is your mother? A Katie Ridge
Q Do you know whether or not she applied for enrollment at Vinita?
A Yes, sir, she did.
Q What sister did you have? A Phoeba and Mary, two sisters.
Q Did they marry either one of them? A Yes, sir.
Q Why did Mary marry? A She married Dennis Hicks.
Q Who did Phoeba marry? A She married a Melton.
Q Were you born a slave? A Yes, sir.
Q Who was your owner? A Herman Ridge.
Q Was he an Indian? A Yes sir, he was an Indian.
Q Where did he live before the war? A He lived in the Cherokee Nation part of the time and part of the time I guess in Arkansas.
Q Where was he living when the war commenced? A He was here in the Cherokee Nation.
Q Were you living with him? A No, sir, I wasn't with him.
Q Where were you? A I was with my mother.
Q Where was she? A She was taken out of the Cherokee Nation.
Q Were you his slave though? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q When did you come back to the Cherokee Nation first after the war? A Come back in '66.
Q Where did you come to? A Come to Honey Creek in the Cherokee Nation.
Q Who was with you if any one? A My father and mother and my family, of my father and mother.
Q Well, what members of your father's and mother's were with you; you have named your father and mother and yourself? A Two sisters.
Q What were their named? A Phoeba and Mary and a brother, Jesse.
Q Is Jesse alive? A No, sir, he is not alive.
Q Where do you live now? A I live in Saline District.

Cornelius Ridge - 8.

Q What is your postoffice? A Spavinaw.
Q How long have you lived there? A About, I guess about 30 years.
Q You are not on the 1880 roll? A No, sir.
Q Are you on the Kern-Clifton roll? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:

Page 156, #3865, Cornelius Ridge, Cooweescoowee District;
Page 157, #3880, Pearl Ridge, Cooweescoowee district;
Page 157, #3881, Jesse Ridge, Cooweescoowee District.
Page 157, #3882, Myrtle Ridge, Cooweescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, Page 153, #3185, Cornelius Ridge, Saline District.

Applicant: She (meaning his wife) is a state woman.

Q Mr. Ridge, have you any witnesses you want to examine now, any witnesses present? A No, sir.
Q Have you witnesses that you think you will be able to get before the Commission closes at Nowata? A Yes, sir.

By Mr. Hastings:

Q How old are you? A I don't know, I guess I am about 49.
Q About how old were you when the war came up? A Don't know.
Q Katie Ridge was your mother? A Yes, sir.
Q What was your father's name? A Henry.
Q Where were you living when the war came up? A I were living with my mother at the Doctor Polston's.
Q Well where was Doctor Polston living? A He was living near what is called Peter's prairie.
Q How far is that from Southwest City, Missouri? A Well I don't know hardly exactly I expect though it is probably two or three miles.
Q You were living when the war came up were you? A Yes, sir.
Q How long had you been there? A I don't know, I don't suppose I had been there so very long; I don't know just how long I had been there.
Q Did Doctor Polston have a wife? A Yes, sir.
Q What was her name? A Her name was Flora.
Q Was she living then? A Yes, sir.
Q How many children had he when the war came up? A I don't remember.
Q Mr. Polston's wife was your mistress? A She was a sister to my master.
Q You don't know how many children he had? A No, sir.
Q Did he have any children? A Appears to me like there was one or two, I am not sure.
Q Boys or girls? A I don't hardly remember.
Q You don't remember? A No, sir.
Q What kind of a house did Dr. Polston live in, on Peter's prairie?
A Well, sir, I could not describe the house at all.
Q Did he get water out of a spring or well? A Out of a spring.
Q You remember that do you? A Yes, sir, it appears to me like that is right.
Q Are you certain? A No, sir, I am not right positive but seems to me like there was a spring.
Q Did Dr. Polston have a farm there? A No, sir.
Q Have an orchard? A I don't hardly remember, don't seem to me like there was an orchard; might have been, I wont be sure.
Q Who did you say your master was? A Herman Ridge.
Q Now, where was Herman living? A Well, sir, I don't know where he was living; he wasan intermarried man.
Q He had no home in the Nation did he? A The last account I know of Herman was that when he joined the army.
Q Well, where was he living just before he joined the army?

A I don't know sir, I could not tell you.
Q Well, now, you came back here did you with your father and mother?
A Yes, sir.
Q Now what was the first point you came to? A In the Nation?
Q Yes? A On Honey Creek.
Q Now, what place on Honey Creek did you return? A Well, I don't know the name of the place at all, but as near as I can remember it was about probably three or four miles down the creek from where Southwest City is now.
Q That is the point you came to was it? A Yes, sir.
Q That was near your old home? A Yes, sir.
Q You come right back to the old home didn't you? A No, sir, not right exactly.
Q Well, about how far from your old home? A It don't, it must have been, probably a mile and a half from the old Ridge place.
Q Did you build a house? A No, sir.
Q How did you live there? A Went into a house that was there.
Q That was vacant? A Yes, sir.
Q How long did you live there? A Well, sir, I expect we were there something like three or four months.
Q Then where did you go? A Went to Missouri.
Q Joplin? A Yes, sir.
Q You were married at Joplin, weren't you? A Yes, sir.
Q What is your oldest child's name? A Ida.
Q Is she living? A Yes, sir.
Q How old is Ida? A Ida's about, I don't know, 24 or 25 I guess.
Q Well, isn't Henry older than Ida? A No, sir, he is younger.
Q And where was Ida born? A Ida was born on Grand River.
Q Near what place? A On Lynch's Prairie.
Q How long after the war was it until you came down to Lynch's prairie? A How long after the war you ask me?
Q That is the question? A I don't know, something about like three or four years.
Q George Clark was living right near you then? A Yes, sir, George Clark was living there.
Q Then the only time you claim to have come back to the Cherokee Nation before that was when you were up on Honey Creek? A Yes, sir.
Q And you lived there you say about ~~xxxxx~~ two or three months?
A Yes, sir.
Q Now what kind of a house was that you moved into? A It was a log house.
Q Now, what direction from the old Polston was that log house that you moved into? A Well, if I am not mistaken and kinda turned around I say out south.
Q Did you go up to the old place while you were there?
A Polston place; yes, sir.
Q Who was living there? A Dr. Polston.
Q Was his wife there with him? A Now, I am not right sure; let me think over that a little; yes, sir, I think she was.
Q Did she have any children there? A Yes, sir.
Q Do you know their names? A No, sir, I don't.
Q What did you do for a living down there? A Didn't do anything.
Q Do you remember any citizen you saw down around there?
A No, sir, I don't remember anyone.
Q Where did you get anything to eat? A Brought provisions with us
Q And just camped out down there in a house? A No, sir, we lived down there in a house.
Q You never worked for anybody? A Never done a day's work for anybody as I knows of.
Q Well, what year were you there? A We were there in the fall.
Q About what month? A Well, sir, I don't know hardly, I expect though it was in or near the month of October, September or October,

somewheres along about there.

Q Were you up about that town up there while you were down there on Honey Creek? A No, sir.

Q You didn't go to any town? A No, sir; what do you mean, Southwest City?

Q Yes sir. A No, sir, there wasn't no town there; we come right past there and there wasn't no town there.

Q Did you have any neighbors down there where you lived in that little house, any people living anywhere around you? A No, sir, none that I know of; none that I was acquainted with except Polston.

Q None except Polston? A No, sir, that I can remember now.

Q You don't remember any of those Indians that were living about you? A No, sir; I don't remember, there was none living there as I know of.

Q Was there any field connected with your house you lived in?

A No, sir.

Q What did you get water out of, creek, spring or well? A Spring.

Q What direction was the spring from the house? A Well, sir, I don't know.

Q You don't remember? A Appears to me though like the spring was east, not to be positive.

Q How far was the home place from Honey Creek? A I presume something near a mile and a half.

Q Were you north or south of the creek? A Well, I would say south.

Q Dennis Hicks' wife your sister? A Yes, sir.

Q Was she older or younger than you? A Younger.

Q Where was she born, before the war or after and when? A She was born before the war, I don't know where she was born at.

Q Did she go round with you? A Yes, sir.

Q Your mother was with you? A Yes, sir.

Q Your father? A Yes, sir; I think though Dennis' wife was born in Arkansas.

Q Before the war? A Yes, sir, I think she was.

Q Well, now in all these round you want your father and mother and all the members of your family would go with them? A Yes, sir.

By Com'r Needles:

Q Well, you apply for your wife as an intermarried citizen do you?

A Yes, sir.

Q When were you married to her? A I don't know, sir, about '67 I guess.

Q Have you been living with her continuously since that time?

A Yes, sir.

Q Living with her now? A Yes, sir.

Q Where were you married? A Married in Missouri.

Q She is a state woman? A Yes, sir.

Q Where were you living in 1867? A In Missouri.

Q Brought your wife back with you when you come? A Yes, sir.

By Mr. Hastings:

Q Joplin is in Missouri, isn't it? A Yes, sir.

By Mr. Smith:

Q What time, Cornelius, did you leave the Cherokee Nation after you came here in 1866; how long did you stay here in 1866?

A We came in the fall and left after Christmas.

Q Were you a married or unmarried man at the time you came here in 1866? A Unmarried.

Q Why did you leave the Nation, the Cherokee Nation, at that time?

A We didn't have anything to live on.

Q Where did you go? A Went to Joplin, Missouri.

Q How long did you stay there? A About three or four years, I presume.

Q And then were did you go to? A Came on Grand River.

Q In the Cherokee Nation? A In the Cherokee Nation.

Q Have you been living in the Cherokee Nation ever since?
A Yes, sir.
Q In the meantime you had married? A Yes, sir.
Q Did you bring your wife back here with you when you came?
A Yes, sir.
By Mr. Hastings:
Q What time did you say you came back? A From Missouri.
Q Yes. A In about three or four years I guess.
Q After you went up there? A Yes, sir.

Com'r Needles: Cornelius Ridge applies for the enrollment of himself and three children, Pearl, Jesse and Myrtle, as Cherokee Freedmen; he also applies for the enrollment of his wife, Laura, as a Cherokee Freedman by intermarriage. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but he and his children are duly identified upon the Kern-Clifton pay roll, and he upon the Wallace roll. He avers that he was married to his wife, Laura, a state woman in the year 1867, and has lived with her continuously ever since that time. He makes satisfactory proof as to his residence, and in this connection, as requested by Counsel that the testimony taken in the present case be made a part of the record in the application of Dennis Hicks, who was listed for enrollment on Cherokee Freedman card D. #355, and it is ordered that the testimony taken in the application of Katie Ridge for enrollment as a Cherokee Freedman, who was duly listed for enrollment on D. card #395, be made part of the record in the present case ant a copy of the same be filed in the case of the applicant, Cornelius Ridge. The said Cornelius Ridge and his children as enumerated herein will be duly listed for enrollment as Cherokee Freedmen upon a doubtful card, and his wife will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card, for the further consideration of the Commission. The applicant will be notified by mail as to the final decision of the Commission.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson,

Subscribed and sworn to before me this June 17th, 1901.

Signed, T. B. Needles,
Commissioner.

****

Bruce C. Jones, Stenographer to the Commission to the Five Civilized Tribes, being duly sworn, says that the foregoing is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 15th of July, 1901.

Commissioner.

Commissioner Brockenridge. This will be filed as supplemental testimony in the case of George Daniels et al., Choctaw Freedmen, D-194, and also in Cherokee Freedmen doubtful cases, 218, 219, and 789.

W.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 9th, 1901.

NOV 15 1901

File with C.F. D-219, Enoch Daniels, et al.

SUPPLEMENTAL: C.F. D-194, George Daniels, et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 2, 1901.

In the matter of the application of George Daniels et al for enrollment as Cherokee Freedmen.

TESTIMONY ON BEHALF OF CHEROKEE NATION.

Appearances:
L. B. Bell, Esq., of Attorneys for Cherokee Nation.
I. P. Bledsoe, Esq., Agent for the applicants.

G.W.CLARK, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A G. W. Clark.
Q How old are you? A 58.
Q What is your post-office? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
BY MR. BELL:
Q This is the case of George Daniels, a Freedman, claiming rights as a Cherokee under the treaty of 1866; his home is in Saline District; are you acquainted with one George Daniels? A Yes sir.
Q He was a grand-son of old man Griffin Daniels? A Yes sir.
Q About when did you first see him? A I rather think it was about the fall of '68, or maybe '67; he was just a boy like.
Q Where was that at? A It was at my place, right joining my place.
Q What district? A In Delaware at that time.
Q Was it over in what they call the Six Mile Bottom? A Yes sir.
Q Now where was this boy's home at the time you first saw him? A He stopped there with his grandfather, Griffin and his grandmother.
Q Old man Griffin Daniels? A Yes sir.
Q Where did old man Griffin live? A He lived the latter part of the war in a little house right down in the prairie, about three-quarters of a mile from me, on the edge of the prairie, down towards the old Jess Cochran place.
Q Was you acquainted with one Simon Lynch, a Freedman? A Yes sir.
Q Where did he live in '66, or do you know? A He lived on Cabin Creek, right above the old military crossing; little house up there what we called the Swimmer place.
Q When did Simon, if he did move, move into Saline District' A He must have moved into Saline District in the spring of '67.
Q That's where he lives now is it? A That's where he lives now, in the fall of '66 he moved from Cabin Creek place he went to Six Mile Bottom to a place not far from old man McCrary, there's a little house right across the branch and I let him live in there all the winter and then he moved right across the river and the old man stayed in this same house on the edge of the prairie until the latter part of that fall, and then he went over the river and made a house close to Simon in Saline District.
Q Are you acquainted with one William H. Foreman? A Yes sir.
Q Who lived on Lynch's prairie in '66 or '7? A Yes sir, he lived on Lynch's Prairie in the springof '66.; he was married to my wife's sister in the winter and run a little store on the edge of the prairie, him and my brother-in-law together, Henry Scraper.
Q Were you about there any? A Very frequently there, because his wife was my wife's sister, and we went over there often and they run a little store and stores was very scarce, and in fact I let them have a saddle horse to gather a bunch of wild cattle there.
Q During that spring of '68 did he have this boy, this George Dan-

iels breaking new ground for him? A No sir, he wasn't up in that part of the country then.
Q You are well acquainted with this boy George are you? A Oh yes, I know him from the time they brought him up there; that is the reason I differ with them about the time they brought him there; I don't think they brought him there until '68, because I had a sister that got away from us during the war and she was down in Flint District close to Red Watt Adair close to Honey Spring, and I went down there after my sister and I went by Woodall's and stopped there and taken dinner, and these children was there then, this boy; that's a long time for remembrance but that's my remembrance of it.
Q What year was that you say you went down? A '67, fall of '67.
Q You say then that Foreman ~~xxx this boy~~ didn't have this boy hired breaking prairie? A No that boy wasn't up in that part of the country.
Q Was he old enough or not to drive a team and break prairie? A No sir, he wasn't old enough to plow with a single plow I don't think.
Q Did old man Griffin finally move across the river? A He moved across the river in the fall after Simon moved across in the spring and erected a little house about a quarter of a mile from his son. The old man lived there until he got so feeble, and he is dead now; I think he died at Simon's
BY MR. BIEDSOE:
Q Do you know who the father and mother of George was? A No sir.
Q You don't know whether they were alive or dead when you saw him in '67? A No, I don't know.; I think Mr. Woodall had this one and another one there.
Q Do you know whether they were slaves of Cherokee citizens at the commencement of the war? A I think they belonged to Miss Woodall she was Bob Daniel's sister.
Q First time you saw this boy was in '67? A I think it was '67, fall of '67.
Q How old was he at that time? A He was just a chunk of a boy.
Q 8 or 10 years old? A He didn't look to be more than about 7 years old, or 8.
Q Living with his grandfather? A No, I first saw him at Mr. Woodall's, and I think I brought the word back ; you see Mrs. Woodall, we was all well acquainted, and she found out I lived right close to her brother, he lived on one side of the river and I lived on the other, and I think they told me to tell these old folks that they brought that boy, or had him.
Q They had brought him back there? A Yes sir, didn't come, they brought him back, I don't know.
Q He was mistaken about this boy's doing work for him, because he wasn't old enough? A No sir, he wasn't old enough.
Q Do you recollect seeing this boy since that time? A Yes sir. He has lived in that vicinity ever since; I have had him to work for me.
Q Has he been recognized as a citizen? A I don't know; I moved out of the district about the time he got able to go to the polls, and I really don't know.
Q Do you know anything about him conducting a mercantile business and for some time back, in the Cherokee Nation? A Yes sir.
Q He is recognized as a Cherokee citizen in that matter? A Oh yes; he is right there doing business there.
MR. BELL: I object to that, on the ground that it calls for an opinion, ~~and~~ Mr. Clark , and he aint here to state that, he is here to state facts.
BY MR. BELL:
Q Now you know there are hundreds of people doing business in the Cherokee Nation that are not recognized as citizen A It seems to be a pretty squabble; they all do it that want to; they used to not do it to let nobody run it but citizens, but it has changed now ~~and any~~ fellow that wants to comes in and sets up.

George Daniels et al (sup'l) 3

Commissioner Breckinridge. This will be filed as supplemental testimony in the case of George Daniels et al., Cherokee Freedmen, D-194, and also in Cherokee Freedmen doubtful cases, 218, 219, and 789.

(Also filed in D1086.)

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this November 9th, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Daniels et al., as Cherokee freedmen, consolidating the applications of:

George Daniels et al	Cherokee Freedmen D 194
Cynthia J. Wickliff et al	Cherokee Freedmen D 218
Enoch Daniels et al	Cherokee Freedmen D 219.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by George Daniels for himself, his wife, Frances, and his two minor children, Nathan and Henry Daniels; by Cynthia J. Wickliff for herself and her minor child, William Wickliff; that subsequent to the date of the original application herein, a birth affidavit which is made a part of this record, was filed with the Commission showing the birth of George C. Wickliff; by Enoch Daniels for himself, his wife, Laura, and his minor child, Ralph Daniels; that subsequent to the date of the original application herein, a birth affidavit which is made a part of this record, was filed with the Commission showing the birth of Marshall Daniels. Copies of the testimony taken at various times in the cases of Fannie Hight, Cherokee Freedmen D 207, Sadie Ives, Cherokee Freedmen D 1086, Cornelius Ridge et al., Cherokee Freedmen D 586, and Katie Ridge, Cherokee Freedmen D 295, are filed herewith and made a part of the record herein.

The evidence shows that the applicant, George Daniels, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation, but returned thereto and established a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation et al., for the return of freedmen to said Nation; that the applicants, Cynthia J. Wickliff, William Wickliff, George C. Wickliff, Enoch Daniels, Ralph Daniels, Marshall Daniels, Nathan Daniels and Henry Daniels, are the children and grandchildren of the

said George Daniels, born since 1866, and claim the right to enrollment as his descendants. The said Laura Daniels, wife of Enoch Daniels, was born since 1866 and is the daughter of Cornelius Ridge (Cherokee Freedman D 586), who has heretofore been enrolled by this Commission as a Cherokee freedman.

The evidence further shows that the said George Daniels has lived continuously in the Cherokee Nation since his return thereto in 1866, and the other applicants heretofore named have resided therein since birth.

The applicant, Frances Daniels, is identified upon the 1880 authenticated Cherokee tribal roll as "adopted colored," and has lived in the Cherokee Nation continuously since the making of said roll.

It is, therefore, the opinion of this Commission that George Daniels, Frances Daniels, Nathan Daniels, Henry Daniels, Cynthia J. Wickliff, William Wickliff, George C. Wickliff, Enoch Daniels, Laura Daniels, Ralph Daniels and Marshall Daniels should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGN.) Tams Bixby

Chairman.

(SIG.) T. B. Needles.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this JUL - 5 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, I. T., July 6, 1904.

In the matter of the application for the enrollment of George Daniels, et al, as Cherokee freedmen, consolidating the applications of:

George Daniels, et al, Cherokee F. D. 194,
Cynthia J.Wickliff, et al,Cherokee F.D.218, and
Enoch Daniels, et al, Cherokee F. D.219,

I dissent from the conclusion of the other Commissioners in the following particulars:

1st. They find in favor of the enrollment of George Daniels, his wife, Frances Daniels, and his alleged two minor children, Nathan and Henry Daniels.

George Daniels, the principal applicant in case 194, is not identified upon either the roll of 1880 or 1896. He is identified only upon the Kern-Clifton roll, which is very unreliable evidence. This is supported chiefly by his own testimony, which I do not consider of a trustworthy character, and by the testimony of one William Foreman, a notorious professional witness ,and ,throughout, the testimony is essentially inconsistent and contradictory. I do not think that George Daniels makes anything like a good case for himself, and I vote against his enrollment.

As for his wife, Frances Daniels, she is reasonably identified on the roll of 1880 and in other respects her case is well supported. I think she is entitled to enrollment, and with respect to her, I concur with the other Commissioners and vote for her enrollment.

With respect to the two children in this case, the alleged minor children of George Daniels and, as presented by him, of his present wife, Frances Daniels, it is found upon subsequent proceedings, notably in the application made by Sadie Ives for the

enrollment of two children, that these are not the children of George Daniels and his wife, Frances, but that they are the children of this Ives woman and that, to say the least, they are of doubtful parentage so far as the father is concerned. In my opinion they could derive no rights through George Daniels, if he be the father, & they certainly derive no rights through his wife, Frances Daniels, for they are not her children, and I think it is equally clear that they derive no rights through their mother, Sadie Ives. Therefore, I vote in favor of refusing the right to enrollment to these two children who are called Nathan and Henry Daniels.

2nd. Cynthia J. Wickliff in the above mentioned case, 218, applies for the enrollment of herself and her minor child, William Wickliff. She is shown to be a daughter of the aforesaid George Daniels by a former wife, Eliza, deceased. It is not shown that this woman, Cynthia J. Wickliff, has any right except through her father, George Daniels, and her child, William, is not shown to possess any right except through his mother, Cynthia J. Wickliff. It follows from what has been said in regard to the rights of George Daniels and his deceased wife, Eliza, that their daughter, claiming only through them and her child, claiming only through her, have no right to enrollment, and I vote against the enrollment of Cynthia J. Wickliff and her minor child, William Wickliff. This woman is identified only upon the questionable Kern-Clifton roll. She may have been too young to be upon the roll of 1880, upon which she is not found, and she was not admitted to enrollment in 1896.

3rd.

As for the foregoing mentioned case 219, that being the case of Enoch Daniels, his wife, Laura, and his minor children,

Ralph and Marshall Daniels, it is found that Enoch Daniels is a son of George Daniels and his deceased wife, Eliza, through whom it has just been concluded that no one derives a right to enrollment. Enoch Daniels, though of sufficient age, is shown not to have been admitted to enrollment in either 1880 or 1896 upon the rolls bearing these dates. He is identified only upon the Kern-Clifton roll. I vote against his enrollment.

It seems that his wife, Laura, is a daughter of Cornelius Ridge, Cherokee freedman case D-586 who has heretofore been enrolled by the Commission as a Cherokee freedman Giving her the benefit of that identification of her father, I vote in favor of her enrollment now, and also of the enrollment of her two minor children, Ralph and Marshall Daniels.

In conclusion, I concur with the other Commissioners in favor of the enrollment of Frances Daniels, wife of George Daniels, whose application is in the foregoing case 194. I concur with the other commissioners in the enrollment of Laura Daniels and of her two children, Ralph and Marshall Daniels, whose applications are embraced in the foregoing case 218, the latter child being covered by birth certificate attached to the case.

As to all the other applicants in this consolidated case, the enrollment of all of whom is concurred in by the other Commissioners, I dissent from said conclusion and vote against their enrollment.

C. R. Breckinridge
Commissioner

MH

L

NOTICE.

Cherokee - Freedmen - Enrollm

The Commission to the Five Civilized Tribes continue in session at

MUSKOGEE, IND. TE

from April 1, 1902, until May 31, 1902, inclu the purpose of hearing rebuttal and supplemental mony with respect to the enrollment of Cher Freedmen.

Notice is hereby given to all Freedmen liste doubtful claimants that after May 31, 1902, their will be considered as completed, and will be fi decided by the Commission and reported to the Sec tary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants adoption who have not already appeared can a for enrollment until July 1, 1902.

Mr. Enoch Daniels,
Spavinaw, I.T.
Cherokee F-D-219
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissi

Cherokee Freedmen
R-194-218-219.

Muskogee, Indian Territory, July 25, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 25, 1904, granting the applications for the enrollment of George, Frances, Nathan, Henry, Enoch, Laura, Ralph and Marshall Daniels, and Cynthia J. and William Vickliff as Cherokee freedmen, together with a dissenting opinion as to the enrollment of certain of these applicants, signed by Commissioner Breckinridge.

You are advised that you will be allowed fifteen days within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. 8-94.

Commissioner in Charge.

COPY.

Cherokee Freedmen

D-219.

Muskogee, Indian Territory, August 18, 1904.

Enoch Daniels,

Spavinaw, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself, your wife Laura Daniels, and your two minor children, Ralph and Marshall Daniels, as Cherokee freedmen, together with a copy of the Commission's decision, dated July 5, 1904, granting, among others, your said application. There is also enclosed herewith a copy of the dissenting opinion of Commissioner Breckinridge.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished George Daniels, Spavinaw, Indian Territory, by the attorney for the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. S-92.
Register.

Tams Bixby. Chairman.
Commissioner in Charge.

COPY

Cherokee Freedmen
D-194-210-219.

Muskogee, Indian Territory, August 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of George Perkins, et al., including the Commissioner's decision, dated July 1, 1904, granting the applications for the enrollment of George, Lorenzo, Nathan, Henry, Enoch, Laura, Ralph and Marshall Perkins, and Cynthia J., William and George W. Wickliff, as Cherokee Freedmen. There is also enclosed a copy of the dissenting opinion of Commissioner Breckinridge.

You are advised that the Cherokee Nation intends to invoke the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Tams Bixby.
Chairman.

Encl. S-93.

Through the

Commissioner of Indian Affairs.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following:

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 24, 1904.

Land.

57605.1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 19, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by George Daniels for himself, his wife, Francis, and his two minor children, Nathan and Henry Daniels; by Cynthia J. Wickliff for herself and her minor children, William and George C. Wickliff; by Enoch Daniels for himself, his wife, Laura, and his minor children, Ralph and Marshall Daniels.

July 5, 1904, the Commission decided favorably to all the applicants, Commissioner Breckinridge filing a dissenting opinion against the enrollment of George Daniels and all applicants claiming exclusively through him.

The record shows that the applicant, George Daniels was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during said war he left the Cherokee Nation, but returned thereto and established a residence therein prior to February 11, 1867; that Laura Daniels, wife of Enoch Daniels, was born since 1866, and is the daughter of Cornelius Ridge

(Cherokee freedman D. 586), who has heretofore been enrolled by the Commission as a Cherokee freedman.

It is further shown that the principal applicant, George Daniels, has lived continuously in the Cherokee Nation since his return in 1866. The applicant, Francis Daniels, is identified upon the 1880 authenticated Cherokee roll as adopted, colored, and has resided in the Nation continuously since the making of that roll. All of the other applicants are the children and grand children of George Daniels and born since 1866, and claim right to enrollment as his descendants.

The exceptions taken by Commissioner Breckinridge appears to be based upon the untrustworthy character of the testimony offered by the applicants, but it does not appear that the testimony of the applicants' witnesses has been in any manner impeached and from the record it appears as truthful and reliable as any adduced before the Commission by either side, in this, or any other record.

In view of the record the approval of the Commission's decision favorable to all the applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.N.
W.

(C O P Y)

DEPARTMENT OF THE INTERIOR, W. C. F.
FHE

D. C. 41076-1904 WASHINGTON. October 22, 1904.

I. T. D. 7724-1904.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 19, 1904, you transmitted the record in the consolidated Cherokee freedman case of George Daniels, et al, including your decision of July 5, 1904, granting the applications for the enrollment of George, Frances, Nathan, Henry, Enoch, Laura, Ralph and Marshall Daniels, and Cynthia J., William and George C. Wickliff.

Commissioner Breckinridge dissents from your decision, except as to the applicants Frances Daniels, wife of George Daniels, Laura Daniels, and her two children Ralph and Marshall Daniels. The Attorney for the Cherokee Nation protests against your decision.

Reporting September 24, 1904, the Acting Commissioner of Indian Affairs recommends that your decision, favorable to the applicants, be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) M. W. Miller

Acting Secretary.

1 inclosure.

COPY

Cherokee Freedmen

D-219.

Muskogee, Indian Territory, November 8, 1904.

Enoch Daniels,

Spavinaw, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 5, 1904, granting, among others, the application for the enrollment of yourself, your wife Laura Daniels, and your minor children Ralph and Marshall Daniels, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 22, 1904.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-194, et al.

Muskogee, Indian Territory, November 8, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 5, 1904, granting the applications for the enrollment of George, Frances, Nathan, Henry, Enoch, Laura, Ralph and Marshall Daniels, and Cynthia J., William and George C. Wickliff as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 22, 1904.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Muskogee, Indian Territory, October 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of September 13, 1905, (I.T.D. 2218, 7024-1905), there is herewith transmitted the record of proceedings had in the matter of the consolidated applications for enrollment as Cherokee Freedmen and as citizens by intermarriage of the Cherokee Nation, of Katie Ridge, et al., Cherokee Freedmen D 295, et al., including the decision of the Commissioner to the Five Civilized Tribes dated October 13, 1905, rejecting the applications of Laura Ridge, Ary Lynch, Dennis Hicks Sr., and Susie Hicks, as citizens by intermarriage of the Cherokee Nation, and of Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge and Myrtle Ridge, Phoebe (Milton) Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton and Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin and Stella Martin, Cornelius Jones, Elnora Vann, Maud Riley, Jesse Barnett and John C. Riley, Rosa Vann and Josephine Vann, William

Townsend, Mollie Townsend, Rosa Townsend, George Townsend and Arthur Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks Jr., Delana Hicks, Mabel Hicks and Elmer Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt and Maucelia (Marcelia) Holt, Sallie Miller, Mary Johnson, Ruth Vann, Martha Chinnett and Lillie Chinnett, Frank Johnson and Luella Johnson, Eliza Hawkins and Tyndle E Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley, Nathanial Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Idaller Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James N. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley and Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott and Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie

Johnson , Rebecca Johnson, Luford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Elick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. Wagoner and Oval Wagoner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls and Beattrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson , Harvey Thompson, and Clyde Thompson, for enrollment as Cherokee Freedmen, and dismissing the applications for enrollment as Cherokee Freedmen of Ethel Townsend and Clarence Curls.

In connection with the finding of this office relative to the rights of Cornelius Ridge to enrollment as a Cherokee freedman, case No. D 986, the same being included in the consolidated case of Katie Ridge, et al., herewith transmitted, the attention of the Department is invited to the case of Enoch Daniels, et al., Cherokee Freedman No. 1429, formerly Cherokee Freedman D 119, wherein, in its de-

cision rendered on July 5, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said finding being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 57605-04), and affirmed by the Department on October 22, 1904 (I.T.D. 7724-04), and in conformity thereto said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll of Cherokee freedmen approved by the secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1866, to enrollment as a Cherokee freedman was based upon the theory that her father the said Cornelius Ridge had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman

citizenship, the case of Enoch Daniels, et al., Cherokee Freedman 1429, formerly Cherokee Freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee Freedman citizenship, be reversed.

Respectfully,

Through the

Commissioner of Indian Affairs.

Commissioner

Incl. B 16.
L. F.

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Laura Ridge, Ary Lynch, Dennis Hicks, Sr., Susie Hicks, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Wilton, Percy Wilton, Herbert Wilton, Serena Wilton, Pearl Wilton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelius Jones, Elnora Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks, Jr., Delana Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle H. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt, Marcelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Luella Johnson, Frances Johnson Nettie Johnson, Katie Johnson, Clarence Johnson and Hilda Johnson as Cherokee freedmen, together with the decision of the Commissioner, dated February 23, 1907, rejecting said application.

Secretary 2-

In connection with the finding of this office relative to the rights of Cornelius Ridge to enrollment as a Cherokee freedmen, case No. D 586, the same being included in the consolidated case of Katie Ridge, et al., herewith transmitted, the attention of the Department is invited to the case of Enoch Daniels, et al., Cherokee Freedman No. 1429, formerly Cherokee Freedman D 219, wherein, in its decision rendered on July 5, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said finding being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 57605-04), and affirmed by the Department on October 22, 1904 (I.T.D.7724-04), and in conformity thereto said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1866, to enrollment as a Cherokee freedman was based upon the theory that her father, the said Cornelius Ridge, had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman citizenship, the case of Enoch Daniels, et al., Cherokee freedman 1429, formerly Cherokee Freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee Freedman citizenship, be reversed.

Respectfully,

Through the Commissioner of Indian Affairs.

Commissioner.

Enc I-36

RPI

[illegible] TO REPLY TO
THE FOLLOWING:
LAND
21941-1907

--Copy--

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Sibley, dated February 28, 1907, relative to applications for the enrollment of Laura Ridge, Ary Lane, Dennis Hicks, Sr., Susie Hicks, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Nancy C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelius Jones, Elnora Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Nettie Hicks, Leroy Hicks, Dennis Hicks, Jr., Delana Hicks, Mabel Hicks, Elmer Hicks, Ellis Hawkins, Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt, Maucelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Luella Johnson, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson as Cherokee freedmen, together with the decision of the Commissioner of Feb[illegible], 1907, rejecting the applications.

The Office has examined the record in this case and finds the conclusions of the Commissioner to be correct, and recommends that his decision be approved.

In connection herewith the Commissioner invites attention to the case of Enoch Daniels, et al., applicants for enrollment as Cherokee freedmen, wherein the Department on October 22, 1904 (I.T.D. 7724-1904), found that one Laura Daniels (nee Ridge), daughter of Cornelius Ridge, a party applicant herein, was entitled to enrollment as a Cherokee freedman and included in a partial roll of Cherokee freedmen approved by the Department on July 27, 1905, opposite No. [illegible].

Mr. [illegible] now reports that Laura Daniels was born since 186[illegible] and that her right to enrollment was based on the theory that her father, Cornelius Ridge, who is denied enrollment by the present decision, had "therefore been enrolled by the Commission as a Cherokee freedman."

This being an error, as indicated by the case herewith transmitted, the Commissioner now recommends that the Department reverse its decision in the case of Enoch Daniels, et al., so far as it relates to Laura Daniels, and that her name be stricken from the roll.

The Office concurs in this recommendation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH

(C O P Y)

D.C.13388-1907

J.P.Jr.

DEPARTMENT OF THE INTERIOR,

S.P.

WASHINGTON.

I/T.D.8072-1907.

March 4, 1907.

L.R.S.

DIRECT,

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On March 4, 1907 (Land 21941-07), the Indian Office transmitted your report, dated February 28, 1907, relative to proceedings had in the matter of the application for the enrolment of Laura (Katie) Ridge, et al., together with your decision of the same date rejecting the application.

The Indian Office concurs in your decision. A copy of its letter is inclosed.

The Department considers said decision correct and it is hereby affirmed.

In connection herewith you call attention to one Laura Daniels, a party applicant in this case, who appears on a partial roll of Cherokee freedmen opposite No. 3907. You report that she was enrolled and that her enrolment was based on the theory that her father, Cornelius Ridge, who is denied enrolment in the present decision, had "heretofore been enrolled by the Commission as a Cherokee freedman." You state that this is an error and you

recommend that if the Department affirm your decision as to the rights of the said Cornelius Ridge to Cherokee citizenship that the case of Enoch Daniels, et al., be reopened and that the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee freedmanship, be reversed.

In accordance with your recommendation the Department rescinds its decision and reverses your decision in the case of Enoch Daniels in so far as said decisions apply to the enrolment of Laura Daniels, nee Ridge, and her name is canceled from the roll of Cherokee freedmen opposite No. 3907, as of this date.

Your office and the Indian Office are requested to make your records conform to this action.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Acting Secretary.

1 inc. and
2 to Ind. Of.

Cherokee F.
D-295 et al.

COPY

Muskogee, Indian Territory, March 15, 1907.

Starr & Patten,

Attorneys for Katie Ridge, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the applications for the enrollment of Katie Ridge, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Encl H-5
JMH

Cherokee F.
1439

Muskogee, Indian Territory, March 15, 1907.

Laura Daniels,

Spavinaw, Indian Territory.

Dear Madam:

In accordance with Departmental letter of March 4, 1907, you are hereby advised that your name has been stricken from the approved partial roll of Cherokee freedmen and your application for enrollment denied.

Respectfully,

JMH

Commissioner.

Cherokee F.
D-896 et al.

Muskogee, Indian Territory, March 15, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the applications for the enrollment of Katie Ridge, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.K-6
JMM

Commissioner.

Cherokee freed-
man 1429

COP

Muskogee, Indian Territory, March 22, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the following name has been stricken from the approved partial roll of Cherokee freedmen in accordance with Departmental letter of March 4, 1907: Laura Daniels, roll No. 3907.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl.P-4-23
MOP

Commissioner.

Cherokee freed-
man 1429.

COPY

Muskogee, Indian Territory, March 22, 1907

Laura Daniels,

Spavinaw, Indian Territory.

Dear Madam:

In accordance with Departmental letter of March 4, 1907, you are hereby advised that your name has been stricken from the approved partial roll of citizens of the Cherokee Nation.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Tams Bixby

Commissioner.

Incl.P4-22
MMP

M.M.W. (Copy) C.E.W.
C.E.W.

DEPARTMENT OF THE INTERIOR,

Address Only the Secretary of the Interior - WASHINGTON.

D-6433.

September 20, 1909.

The Commissioner

of Indian Affairs.

Sir:

The Department does not concurin your report and recommendation of August 9, 1909 (Land 21065) in the matter of the enrollment of Laura Daniels, Cherokee freedman rolls, whose enrollment was canceled and stands cancelled; you recommending erasure of said cancellation.

Laura Daniels, wife of Enoch Daniels, was enrolled because she was the daughter of Cornelius Ridge, whose right to enrollment the Commission to the Five Civilized Tribed had conceded. Consequently she was placed upon a roll, but not a roll that included the Ridge family. Thereafter the right of the Ridge family to enrollment was reconsidered and the case, after due process of law, was decided against them. But Laura Daniels' enrollment was not directly involved in this subsequent proceeding; she had no notice of the hearing and did not participate in it. Yet, her right to enrollment depended entirely upon her parents' right to enrollment. If the parents had no right, neither had Laura. The ultimate denial of the parents' right logically demanded the striking of Laura's name from the rolls; and this was done.

Laura has no right to be upon the rolls. If her name is restored it will be entirely upon technical and not upon moral, legal, or equitable grounds. The Department declines to restore a status acquired through misunderstanding essential facts when such an action presents the anomaly of admitting one whose citizenship rights depend entirely upon those of another who has been denied. The notation on the rolls against her name may therefore remain unless otherwise ordered by the judgment of some court with jurisdiction in the premises.

Very respectfully,

(signed) Frank Pierce,

Acting Secretary.

No. 1548-1909.
Rec'd Oct. 4, 1909.
Com. to Five Tribes.

Cherokee Freedmen
R-1272.

Muskogee, Oklahoma, October 20, 1909.

Laura Daniels,

Chaffee, Oklahoma.

Madam:

For your information, there is inclosed herewith a copy of departmental letter of September 30, 1909, declining to take any action looking to the restoration of your name to the approved roll of Freedmen citizens of the Cherokee Nation.

Respectfully,

WSTM(LS)
Incl. S-11

Commissioner.

Cher Fr 1430

Trans. from Cher Fr D218

Cher Fr 1430

DEPARTMENT OF THE
DIVISION TO THE FIVE C
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1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 9, 1901.

In the matter of the application of Cynthia Jane Wickliff for the enrollment of herself and one child as Cherokee Freedman.

Cynthia Jane Wickliff, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Cynthia Jane Wickliff.
Q How old are you? A I will be 21 the 26th of June.
Q What is your post office address? A Spavinaw.
Q What district do you live in? A Saline.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled by any other Nation or tribe?
A No, sir
Q Who do you want to enroll besides yourself? A This baby.
Q What is your child's name? A William Wickliff.
Q How old is William? A He is one year and seven months old.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Jackson Wickliff.
Q Is he a citizen? A Yes, sir.
Q Is he here? A He is out here somewheres, I don't know where he is; out on the ground somewhere.
Q What is your father's name? A George Daniels.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Eliza Daniels.
Q Is she living? A No, sir.
By W.W.Hastings, Cherokee attorney: Your father applied the other day? A Yes, sir.
Commissioner: How long has your mother been dead? A She has been dead ever since 1882.
Q You don't know whether her name was on the roll of 1880 or not?
A No, sir.
Q You don't know what your mother's name was before she married?
A Eliza Martin.
By L.B.Bell, Cherokee attorney: What was your mother's father's name? A Lewis Martin.
Commissioner? If your father here? A Yes, sir, George Daniels.

George Daniels, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A George Daniels.
Q What is your post office? A Spavinaw.
Q Do you know the applicant here, Cynthia Wickliff? A Yes, sir.
Q Is she your daughter? A Yes, sir.
Q What was her mother's name? A Eliza.
Q Were you and Eliza married? A Yes, sir.
Q How long did you live together as man and wife? A We lived together about seven years.
Q Was Cynthia born while you were living together as man and wife?
A Yes, sir.
Q You don't know whether your wife's citizenship was ever proved up or not, your wife Eliza? A Yes, sir, I guess it was, we drawed for her and the people that raised her was citizens, straight citizens
Q What was her name before you married her? A Her name was Eliza Martin.
Q Would that be her name in 1880? A No, sir, her name ought to be Eliza Daniels.
Q You were married before 1880? A Yes, sir.
Mr. Bell: What family of Martins did she belong to? A Uncle Aaron Martin.
Q Did you draw strip money for this child? (No response)
Q What was Aaron Martin's wife name? A Her name was Queen.

The 1880 authenticated roll of Cherokee Freedmen examined and neither the applicant nor her parents identified thereon.

Cynthia Jane Wickliff - B.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kerns-Clifton pay-roll examined and the applicant identified thereon, page 115, No. 2856, Cynthia Daniels, no district
Father of applicant on page 115, No. 2854, George Daniels, no district.

Cynthia Jane Wickliff, recalled, testified:
Commissioner: Have you always lived in the Cherokee Nation?
A Yes, sir.
Q Born and raised in the Cherokee Nation? A Yes, sir.
Q How long have you been married to Jackson Wickliff? A Nearly two years.

Commissioner: Cynthia J. Wickliff applies for the enrollment of herself and one child, named William. She avers that she is the child of George and Eliza Daniels, and she is now married to one William Wickliff, by whom she has one child named William. The name of Cynthia J. Wickliff is not found upon the authenti ated roll of 1880, but is found upon the Kerns-Clifton roll by her maiden name of Cynthia Daniels. The name of her father, George Daniels, is not found upon the authenticated roll of 1880, but is found upon the Kerns-Clifton roll. The name of her mother, Eliza, now deceased, is not found upon any roll. She is duly identified and makes satisfactory proof as to her residence, and she presents satisfactory proof of the birth of William Wickliff, the child for whom she applies for enrollment. The name of Cynthia J. Wickliff and her child William will be placed upon a doubtful card, awaiting further investigation by the Commission. Reference is made to the testimony taken in the case of her father, George Daniels, D.194, testimony having been taken on May 7th, 1901.

****

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tri es he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and sub cribed before me this the 10th of May, 1901.

C. R. Breckinridge

Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 9 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 9, 1901.

Post Office Spavinaw I.T.

District Tahlee

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Cynthia J. Wickliffe Age 21

Owner's name Citizenship

Year KE. Page 15 No. 2806 District

Parents:

Father Geo. Daniel - living Citizenship

Mother Eliza " - dead Citizenship

Names of Children:

3. William Wickliffe Year Page No. Dist. 1/2

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10 Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Stenographer Rile Jones

1 Cy K C. Wolf as Cynthia Daniels

2 Aff. of birth required

Aug 6 1904

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 1901
ACTING CHAIRMAN.

File with case of Cynthia Jane Wickliff.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 6th, 1901.

In the matter of the application of George Daniels for the enrollment of himself, wife and two minor children as Cherokee Freedmen; said Daniels being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A George Daniels.
Q How old are you? A I am 40 some odd, I don't know.
Q What is your post office? A My post office is Spavinaw.
Q In what district do you live? A Saline.
Q How long have y u lived in the Cherokee Nation? A I have lived in the Cherokee Nation about all my days; was out a little time of the war and afterwards I have been back in the Nation.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes, sir; always has been.
Q Always been put on the rolls? (No response.)
Q Have you always been admitted to enrollment? A Yes, sir, all but one time.
Q What time was that? A 1880 I think it was.
Q Give e the name of your father? A Toner Daniels.
Q Is he alive? A No, sir.
Q How long has he been dead? A He has been dead ever since along in '65 I guess.
Q Give me the name of your mother? A Cynthia Daniels, belonged to Woodal.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A Ever since before the war.
Q How long before the war? A Right at the beginning of it.
Q Died when you were a baby? A Yes, sir, I was small.
Q Give me the name of your wife? A Frances Daniels.
Q How old is your wife? A She is 40 something, I don't know.
Q About your age is she? A Yes, sir, she was a child before the war.
Q Is she a Cherokee Freedman of her own right? A Yes, sir.
Q How long has she lived in the Cherokee Nation? A Ever since, since the war.
Q Give me the name of her father? A Turk Vann.
Q Is he dead? A Yes, sir.
Q How long has he been dead? A I could not tell you, six or seven years, I guess, maybe not so long.
Q Give me the name of your wife's mother? A Mirtie Barlow.
Q She is alive now? A Yes, sir.
Q When were you and your wife married? A I could not tell you, along in 1880, my last wife.
Q Your present wife? A Yes, sir.
Q Was she ever married except to you? A No, sir.
Q How many times were you married before you married her? A Once.
Q Was that wife dead when you married this wife? A Yes, sir.
Q Has this wife lived with you ever since you married her in 1880?
A Yes, sir.
Q Give me the names of your two children for whom you apply?
A Nathan Daniels.
Q How old is that child? A He is about 13.
Q Now, give ~~it~~ me the name of the next child? A Henry.
Q How old is he? A He is about 11.
Q That is the youngest is it? A Yes, sir.
Q Are these children both living now? A Yes, sir.

The 1880 authenticated roll of citizens of the Cherokee Nation examined and the applicant's name not found thereon.

Q Was your wife's mother name in 1880, was it Barlow? A No, sir, it must have been Johnson if I don't mistake.

The 1880 authenticated roll of citizens of the Cherokee Nation examined and the name of applicant's wife's father found thereon, page 672, No. 1808, Tirk Vann, Saline District.

The 1896 census roll of citizens of the Cherokee Nation examined and the names of applicants not found thereon.

Q Did your wife draw Cherokee strip money? A No, sir.

Q Did you draw Cherokee strip money? A No, sir, I never drawed it only.

Q The Wallace? A No, sir, I drawed that too, but the first one.

Q You drew Cherokee strip money? A Yes, sir.

The Kerns-Clifton Roll of citizens of the Cherokee Nation examined and the names of applicants ~~xxx~~ found thereon as follows:

Page 115, #2854, George Daniels. (No district given)
Page 159, #5926, Frances Daniels, Goweescoowee Dist.

Q Didn't your child, Nathan, draw strip money? A Yes, sir.

Page 115, #2857, Matt Daniels (No district given)
Page 115, #2858, Henry Daniels, (No district given).

Q Well, you are too young to remember where you were at the close of the war between the North and the South? A Yes, sir; I can tell you where I was at the close of the war.

Q Where were you? A I was in the Choctaw Nation at the closing of the war.

Q You just know that by hearsay, you don't remember it?

A I was in the, went south from the breaking out of the war.

Q You went down to the Choctaw Nation, did you? A Yes, sir.

Q How long did you stay there? A Stayed there until the war ceased.

Q Do you know when you come back? A Know when they said I come back.

Q When was that? A They said I come back in '65.

Q Who brought you back? A The people I belonged to.

Q Who was it you belonged to? A I belonged to Bob Daniels' sister and she married a Woodal.

Q What was her name? A Ann Daniels before she was married.

Q And then she married a Woodal? A Yes, sir.

Q Is she dead? A Yes, sir.

Q She is your mother living? A Yes, sir; she is living in Illinois District on Grand River.

Q Well, is there anybody here who knows that you were brought back in 1865? A Yes, sir, uncle Simon there.

SIMON LYNCH, being sworn and examined by Commissioner G. R. Breckinridge, testified as follows:

Q What is your full name? A Simon Lynch.

Q How old are you? A About 72 or 73, best that I know.

Q How long have you lived in the Cherokee Nation? A All my life.

Q What is your post office now? A Spavinaw.

Q Were you a slave in old times? A Yes, sir.

Q To whom did you belong? A Joe Lynch.

Q Do you know Bob Daniels? A Yes, sir.

Q He owned slaves did he? A Yes, sir.

Q Did you know his sister, Ann? A Yes, sir.

Q Whom did she marry? A Woodal.

Q Do you know his full name? A Tom Woodal.

Q Did she marry him before the war? A Yes, sir.

Q How far did Mrs. Woodal live from where you lived before the war?

Q It is, I just really don't know how far it is, it is down in Going Snake district.

Q Did you live in Going Snake district? A No, sir, I live in Saline.

Q Quite a distance through? A Yes, sir.

Q Did you know Mrs. Woodal? A Yes, sir; Mrs. Woodal was my first Mistress.

Q You had once belonged to her? A Yes, sir.

Q Did you know a woman named Cynthia Daniels? A Yes, sir, my sister.

Q Was she the mother of this boy, George, here? A Yes, sir.

Q Did she belong to Mrs. Woodal? A Yes, sir.
Q How long has your sister, Cynthia, been dead? A Oh, it has been, died here before the war.
Q This George Daniels must be a great deal over 40 years of age?
Q I don't know how old he is.
Q He is Cynthia's a child is he? A Yes, sir; he is her child.
Q Well, where did you go during the war? A Kansas.
Q Whereabouts in Kansas? A I forgot what the name of the County is, but it is Neosho Falls.
Q What did you do up there? A Farm.
Q How long did you stay up there? A Four years.
Q When did you go up there? A '61 or '62.
Q And then you came back down to the Cherokee Nation? A Yes, sir.
Q Your sister, Cynthia, she died just before the war? A Yes, sir.
Q What became of this child, George? A He stayed there with his Master and Mistress until they went south.
Q You were not down there with them? A No, sir.
Q You don't know where they went? A No, sir, they said they went south, that is all I know about it.
Q Where did you go when you came back from Kansas? A I lived down on this Creek ~~xx~~ here one year in 1866 and then I went back on the river.
Q In what year did you go back on the river? A '67.
Q When did you first see this George Daniels after you got back from Kansas? A It was in '67 when I seed him, they sent after him, he was sick down there.
Q Down in the Choctaw country? A No, sir, down in Going Snake.
Q He was sick down in Going Snake and your people sent for him?
A Yes, sir, my mother sent for him.
Q And he was sick in Going Snake? A Yes, sir.
Q Did you know the wife of George Daniels? A Yes, sir.
Q What is her name? A Her name is Frances.
Q Did you know her father? A Yes, sir.
Q To whom did he belong? A Belonged to Mr. Vann.
Q What was his full name? A Turk Vann was her father.
Q To whom did Turk Vann belong? A Joe Vann.
Q Is that the one that is known as old Rich Joe Vann? A No, sir, I guess not.
Q Where did this Joe Vann live? A In Saline district.
Q He was a Cherokee citizen was he? A Yes, sir.
Q Do you know Frances Vann's mother? A Yes, sir.
Q What was her name? A Her name is Mintie.
Q She is alive now isn't she? A Yes, sir.
Q To whom did she belong? A Mr. Vann.
Q Joe Vann? A Yes, sir.
Q How far did this Joe Vann live from where you lived before the war? A I don't know just how far, it is about 32 or 35 miles, to the best of my knowledge.
Q How did you happen to know the colored people that belonged to him? A I was with him all the time backwards and forwards.
Q Now, this woman, Frances George Daniels' wife, where was she during the war? A Well, sir, I don't know where, she was here during the war.
Q You don't know when she got back? A No, sir.
Q How about Mintie, her mother? A I don't know just about when she come back.
Q You can't answer as to that? A No, sir.

By W.W.Hastings, Cherokee Representative:

Q What time was it you sent for this fellow in 1867, was it in the Summer or Fall? A I can't tell you just exactly when it was, I don't recollect just what time it was.

By Commissioner Breckinridge:

Q You don't know how long he has been there in Going Snake when you sent for him? A I heard he had been there about a year.

GEORGE DANIELS, the applicant, re-called, testified as follows:
By W. W. Hastings:

Q Your Mistress' name at the opening of the war was Ann Woodal?
A Yes, sir.
Q And her husband was named Tom Woodal? A Yes, sir.
Q And she lived in Going Snake district before the war?
A Yes, sir.
Q And she came back to Going Snake? A Yes, sir.
Q You claim you went south with her and came back with her?
A Yes, sir.
Q Did they have any family? A Yes, sir.
Q What children of hers are living? A I don't know of none now as I can think of but one.
Q What is his name? A Charlie Woodall
Q Where does he live? A Going Snake, right at the old place where I was born.
Q He was the one that was killed? A No, sir, he aint killed as I heard of.
Q He was killed? A I didn't know he was killed.
Q You say you think he is alive? A Yes, sir.
Q About how old is he, older or younger than you? A He is younger; when they sent for him he was just a little fellow, just small.
Q You lived right near Ned Foreman right over there? A Yes, sir; I recollect Ned.
Q He knows when you come back with the Woodals don't he? A Yes, sir
Q Do you remember any other neighbors that lived over there in Going Snake district when you came back after the war? A I can't tell of them, there is some that I know was pretty small; I didn't stay there no more than a year until they sent for me.
Q You were not but five or six years of age? A No, sir.
Q Your mother died before the war? A Yes, sir.
Q You were just a baby when they took you out? A Yes, sir, I was small, my grandfather sent for me and raised me.
Q What was your grandfather's name? A Griffin Daniels.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and two children. He is identified on the Kerns-Clifton roll, but not upon the roll of 1880 or upon the roll of 1896.

Applicant: I know why I am not on the roll of 1880.

Q Why was not you put on the roll of 1880? A I was living in Saline district all the time up until I married and after I married I took a claim in Delaware District and when Joe Thompson come around taking the census roll he didn't know me and he went on by my house and didn't take the census. I have been in Saline all my days, been voting there and have not been deprived of anything; the first voting I done was in Saline district, and I was over there as a stanger and Joe Thompson didn't know me, that is how come me not to be on the ~~xxxx~~ 1880 roll.

For the further consideration of his application, as set forth in the testimony, he will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

His wife is identified on the Kerns-Clifton roll, but not upon the roll of 1880 or the census roll of 1896. Her deceased father is identified on the roll of 1880, but her mother, now living, is not identified upon that roll. The applicant's wife will be listed for enrollment as a Cherokee Freedman on a doubtful card for the further consideration of her case. Their two children, Nathan and Henry Daniels, are identified on the Kerns-Clifton roll, but not upon the Census roll of 1896. They are living and will be listed for enrollment as Cherokee Freedmen upon the doubtful card with their father and mother.

Supplemental testimony in the above application.

SIMON LYNCH, Witness, re-called, testified as follows:
Examination by Commissioner Breckinridge:
Q I believe you said that you know Frances Daniels, the wife of George Daniels? A Yes, sir.
Q How long have they been married? A Well, sir, I don't recollect just how long.
Q Well? A About ten or twelve years I guess.
Q You think it is only about ten or twelve years? A Yes, sir; to the best of my knowledge, I just don't know.
Q Well, did you know her before she married him? A Yes, sir, I knowed her before the war
Q You have known her all her life? A Yes, sir.
Q Was she ever married except to this man? A She has had some children, but I don't know whether she was ever married.
Q You have known herall the time? A Yes, sir.
Q Did she and any other man ever live together as husband and wife?
A No, sir, not as I know of.
Q Never held each other out as you know of? A No, sir.
Q You have been knowing her for years right along? A Yes, sir.
Q Do you know that she never kept house with any man and lived there as his wife? A No, sir.
Q Were you in a position to know that she never didi it?
A Yes, sir.
Q Was this man, George Daniels, ever married before? A Yes, sir.
Q How many times? A Once.
Q Was his former wife dead when he married this wife? A Yes, sir

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson.

Subscribed and sworn to before me this 7th day of May, 1901.

Signed, T. B. Needles,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 7, 1901.

Supplemental testimony in the matter of the application of George Daniels, taken on part of the applicant, represented by his attorney, D. M. Wisdom, and representative W. W. Hastings of the Cherokee Nation, being present.

William Foreman, being sworn and examined by Commissioner T. B. Needles, testified as follows:
Q What is your name? A William Foreman.
Q What is your age? A 64 past.
Q What is your post office address? A Wagoner.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
D. M. Wisdom, applicant's attorney: Are you acquainted with George Daniels, the applicant in this case? A Yes sir.
Q How long have you known him? A Since the spring of '66; in May or June.
Q Was he in this country in the spring of '66? A Yes sir, in Saline District.
Q How did you come to see him there and know him? A He worked for me that year and spring.
Q He worked for you in the spring of '66? A He worked oxen for me; he broke some new ground.
Q He is a Cherokee Freedman? A Yes sir, his owner was Woodall. His Mistress was a Daniels, and she married Woodall.
Q He sometimes goes by the name of Daniels and sometimes Woodall? A His owner was named Woodall; he has taken the name of Daniels ever since I have known him. I taken the census in 1880 in Saline District. My recollection is that I put him down as George Woodall in Saline District. I wouldn't be positive. It required that all slaves had to take their owner's name. He was living with his grandfather, Griffin Daniels, and I think I put him down as George Woodall.
W. W. Hastings: You took the roll of 1881 in Saline District? A Yes sir, old John Daniels was my interpreter.
Q What time did he work for you in the spring of '66? A In May or June; I think it was in June we were breaking up some new ground; that was in Saline District on what is called Lynch's Prairie.
Q Who were some of your neighbors at that time? A George Scraper, old man Scraper, my father-in-law at that time, Anderson Benge, he is dead; George Clark, Watt Christie, he is dead. George Clark is living.
Q What kind of a team did you break ground with? A With oxen or stags.
Q You know he broke ground for you in the spring of '66, in May or June? A Yes sir.
He broke with these oxen? Q Yes, sir.
Q You are positive? A Yes, sir.
Q You know it? A Yes sir.
Q You were a witness for a good many colored people five years ago?
A Yes sir.
Q You took notes from a good many of them for fees to be a witness?
A Yes, sir, three or four.
Q What is the largest amount they gave you as notes for being a witness for them in 1896? A $25.00 is the largest I ever charged any of them.
Q Isn't it a fact you charged them as high as $200.00? A I took a note from the Robinson boys; there were five of them, and I took a note from them.
Q For $125.00? A Yes, sir.
Q For being a witness in the one case? A Yes, sir.
Q How many more notes did you take besides the Robinson case?
A I think two more was all. I have one of them yet; never collected it.
Q What other case did you collect notes? A A woman, I forget her name. Andy Daniels he paid me.

Arthur Bean, being sworn and examined by Commissioner T. B. Needles, testified as follows:
Q What is your name? A Arthur Bean.
Q What is your age, Mr. Bean? A 38.
Q What is your post office address? A Vinita.
Q Are you a Cherokee Freedman? A Yes, sir.
D. M. Wisdom: Do you know George Daniels, the applicant here?
A Yes, sir.

Q When did you know him? A In '66.
Q Where did you know him? A Down on the river.
Q On Grand River? A Yes sir.
Q In Saline district? A Yes sir.
Q What was he doing there? A He was there with his grandfather at that time.
Q Living with his grandfather who? A Girffin.
Q How far did you live from his grandfather? A About a mile, I guess.
Q How old was he - a good chunk of a boy? A Yes sir, a good chunk of a boy.
Q Do you know whether he was in the employment of Mr. William Foreman? A No, sir, I don't; I wasn't with him in the spring. I got acquainted with him in the fall of '66.
W. W. Hastings: Arthur, how old are you? A 58 years old.
Q You are not on the roll of 1880, are you? A No sir.
Q You have not been recognized? A No, sir, not on that roll.
Q Well, you swear that George Daniels was there in the spring of '66? A No, sir, I said in the fall of '66 when I seen him.
Q With whom was he living? A With his granddaddy, Griffin Daniels.
Q Was Griffin living on a place of his own down there? A Yes, sir.
Q Who were some of Griffin Daniel's neighbors? A Spring Frog.
Q He is dead? A Yes, sir.
Q Anybody living? A George Clark.
Q G. W. Clark? A Yes sir.
Q If Simon Lynch testified that George Daniels come back to Going Snake and that he sent down and got him in the spring of '67 and he come back in '67 the first time, he is mistaken? A Yes, sir, he is mistaken; I noticed that yesterday.
Q Is he swore that that was a mistake? A Yes, sir, that was a mistake.
Q Do you know who George come back with? A I know he come up here to Lynch's Prairie with, with George Eton.
Q Is George a colored man? A Yes sir.
Q Is he alive? A No sir, he is dead.
D. M. Wisdom: Is George Eton related to this man? A I don't think he was any relation.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed, E. C. Rothenberger,

Subscribed and sworn to before me this 8th day of May, 1901.

Signed, T. B. Needles,
Commissioner.

****

Bruce C. Jones, being duly sworn, says, as stenographer to the Commission to the Five Civilized Tribes, that the foregoing is a true copy from the originals.

Sworn to and subscribed before me this the 20th of May, 1901.

Bruce C. Jones

T. B. Needles

Commissioner.

E

F0218

F. D. .....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on Cynthia J. Wickliff by delivering a true copy thereof on the 25 day of Sept A. D. 1901

Given under my hand this 25 day of Sept A. D. 1901

John Parks
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the day of , 190 .

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

on the day of A. D. 190

Subscribed and sworn to before me this

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 2 1901

NOTICE!

IN THE MATTER OF the application of Cynthia J. Wickliff for enrollment as Cherokee Freedmen:

Case No. F. D. 218

To Cynthia J. Wickliff Spavinaw I.T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of _____, Indian Territory, on Oct. 2d 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this _____

R. Dell

N. N. Hashinger

Attorneys for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee I.T. Oct 23-1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Cynthia J. Metcalf et al for enrollment as Freedmen of the Cherokee Nation.

No. CJ R 218

T. B. Needles
(Agent for applicants)

H 3R218

NOV 15 1901

[illegible]

[illegible]

[illegible]

File with C. F. D-218, Cynthia J. Wickliff, et al.

SUPPLEMENTAL: C.F. D-194, George Daniels, et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 2, 1901.

In the matter of the application of George Daniels et al for enrollment as Cherokee Freedmen.

TESTIMONY ON BEHALF OF CHEROKEE NATION.

Appearances:
L. B. Bell, Esq., of Attorneys for Cherokee Nation.
I. P. Bledsoe, Esq., Agent for the applicants.

G.W.CLARK, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A G. W. Clark.
Q How old are you? A 58.
Q What is your post-office? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
BY MR. BELL:
Q This is the case of George Daniels, a Freedman, claiming rights as a Cherokee under the treaty of 1866; his home is in Saline District; are you acquainted with one George Daniels? A Yes sir.
Q He was a grand-son of old man Griffin Daniels? A Yes sir.
Q About when did you first see him? A I rather think it was about the fall of '68, or maybe '67; he was just a boy like.
Q Where was that at? A It was at my place, right joining my place.
Q What district? A In Delaware at that time.
Q Was it over in what they call the Six Mile Bottom? A Yes sir.
Q Now where was this boy's home at the time you first saw him? A He stopped there with his grandfather, Griffin and his grandmother.
Q Old man Griffin Daniels? A Yes sir.
Q Where did old man Griffin live? A He lived the latter part of the war in a little house right down in the prairie, about three-quarters of a mile from me, on the edge of the prairie, down towards the old Jess Cochran place.
Q Was you acquainted with one Simon Lynch, a Freedman? A Yes sir.
Q Where did he live in '66, or do you know? A He lived on Cabin Creek, right above the old military crossing; little house up there what we called the Swimmer place.
Q When did Simon, if he did move, move into Saline District? A He must have moved into Saline District in the spring of '67.
Q That's where he lives now is it? A That's where he lives now, in the fall of '66 he moved from Cabin Creek place he went to Six Mile Bottom to a place not far from old man McCrary, there's a little house right across the branch and I let him live in there all the winter and then he moved right across the river and the old man stayed in this same house on the edge of the prairie until the latter part of that fall, and then he went over the river and made a house close to Simon in Saline District.
Q Are you acquainted with one William H. Foreman? A Yes sir.
Q Who lived on Lynch's prairie in '66 or '7? A Yes sir, he lived on Lynch's Prairie in the springof '66.; he was married to my wife's sister in the winter and run a little store on the edge of the prairie, him and my brother-in-law together, Henry Scraper.
Q Were you about there any? A Very frequently there, because his wife was my wife's sister, and we went over there often and they run a little store and stores was very scarce, and in fact I let them have a saddle horse to gather a bunch of wild cattle there.
Q During that spring of '66 did he have this boy, this George Dan-

iels breaking new ground for him? A No sir, he wasn't up in that part of the country then.
Q You are well acquainted with this boy George are you? A Oh yes, I know him from the time they brought him up ther ; that is the reason I differs with them about the time they brought him there; I don't think they brought him there until '68, because I had a sister that got away from us during the war and she was down in Flint District close to Red Watt Adair close to Honey Spring, and I went down there after my sister and I went by Woodall's and stopped there and taken dinner, and these children was there then, this boy; that's a long time for remembrance but that's my remembrance of it.
Q What year was that you say you went down? A '67, fall of '67.
Q You say then that Foreman ~~was this boy~~ didn't have this boy hired breaking prairie? A No that boy wasn't up in that part of the country.
Q Was he old enough or not to drive a team and break prairie? A No sir, he wasn't old enough to plow with a single plow I don't think.
Q Did old man Griffin finally move across the river? A He moved across the river in the fall after Simon moved across in the spring and erected a little house about a quarter of a mile from his son. The old man lived there until he got so feeble, and he is dead now; I think he died at Simon's
BY MR. BIEDSOE:
Q Do you know who the father and mother of George was? A No sir.
Q You don't know whether they were alive or dead when you saw him in '67? A No, I don't know.; I think Mr. Woodall had this one and another one there.
Q Do you know whether they were slaves of Cherokee citizens at the commencement of the war? A I think they belonged to Miss Woodall , she was Bob Daniel's sister.
Q First time you saw this boy was in '67? A I think it was '67, fall of '67.
Q How old was he at that time? A He was just a chunk of a boy.
Q 8 or 10 years old? A He didn't look to be more than about 7 years old, or 8.
Q Living with his grandfather? A No, I first saw him at Mr. Woodall's, and I think I brought the word back ; you see Mrs. Woodall, we was all well acquainted, and she found out I lived right close to her brother, he lived on one side of the river and I lived on the other, and I think they told me to tell these old folks that they brought that boy, or had him.
Q They had brought him back there? A Yes sir, didn't come, they brought him back, I don't know.
Q He was mistaken about this boy's doing work for him, because he wasn't old enough? A No sir, he wasn't old enough.
Q Do you recollect seeing this boy since that time? A Yes sir. He has lived in that vicinity ever since; I have had him to work for me.
Q Has he been recognized as a citizen? A I don't know; I moved out of the district about the time he got able to go to the polls, and I really don't know.
Q Do you know anything about him conducting a mercantile business and for some time back, in the Cherokee Nation? A Yes sir.
Q He is recognized as a Cherokee citizen in that matter? A Oh yes, he is right there doing business there.
MR. BELL: I object to that, on the ground that it calls for an opinion, from Mr. Clark , and he aint here to state that, he is here to state facts.
BY MR. BELL:
Q Now you know there are hundreds of people doing business in the Cherokee Nation that are not recognized as citizens? A It seems to be a pretty squabble; they all do it that want to; they used to not do it, to let nobody run it but citizens, but it has changed now and any fellow that wants to comes in and sets up.

George Daniels et al (sup'l) 3

Commissioner Breckinridge: This will be filed as supplemental testimony in the case of George Daniels et al., Cherokee Freedmen, D-194, and also in Cherokee Freedmen doubtful cases, 218, 219, and 789.

(Also filed in D1086.)

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this November 9th, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Daniels et al., as Cherokee freedmen, consolidating the applications of:

George Daniels et al	Cherokee Freedmen D-194
Cynthia J. Wickliff et al	Cherokee Freedmen D-218
Enoch Daniels et al	Cherokee Freedmen D-219.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by George Daniels for himself, his wife, Frances, and his two minor children, Nathan and Henry Daniels; by Cynthia J. Wickliff for herself and her minor child, William Wickliff; that subsequent to the date of the original application herein, a birth affidavit which is made a part of this record, was filed with the Commission showing the birth of George C. Wickliff; by Enoch Daniels for himself, his wife, Laura, and his minor child, Ralph Daniels; that subsequent to the date of the original application herein, a birth affidavit which is made a part of this record, was filed with the Commission showing the birth of Marshall Daniels. Copies of the testimony taken at various times in the cases of Fannie Wight, Cherokee Freedmen D-207, Sadie Ives, Cherokee Freedmen D-1086, Cornelius Ridge et al., Cherokee Freedmen D-586, and Katie Ridge, Cherokee Freedmen D-295, are filed herewith and made a part of the record herein.

The evidence shows that the applicant, George Daniels, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation, but returned thereto and established a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation et al., for the return of freedmen to said Nation; that the applicants, Cynthia J. Wickliff, William Wickliff, George C. Wickliff Enoch Daniels, Ralph Daniels, Marshall Daniels, Nathan Daniels and Henry Daniels, are the children and grandchildren of the said George Daniels, born since 1866, and claim the right to enrollment as his descendants. The said Laura Daniels, wife of Enoch Daniels, was born since 1866 and is the daughter of Cornelius Ridge (Cherokee Freedmen D 586), who has heretofore been enrolled by this Commission as a Cherokee freedman.

The evidence further shows that the said George Daniels has lived continuously in the Cherokee Nation since his return thereto in 1866, and the other applicants heretofore named have resided therein since birth.

The applicant, Frances Daniels, is identified upon the 1880 authenticated Cherokee tribal roll as "adopted colored", and has lived in the Cherokee Nation continuously since the making of said roll.

It is, therefore, the opinion of this Commission that George Daniels, Frances Daniels, Nathan Daniels, Henry Daniels, Cynthia J. Wickliff, William Wickliff, George G. Wickliff, Enoch Daniels, Laura Daniels, Ralph Daniels and Marshall Daniels should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles,
Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this Jul -6 1904.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Tahlequah, I. T., July 6, 1904.

In the matter of the application for the enrollment of George Daniels, et al, as Cherokee freedmen, consolidating the applications of:

George Daniels, et al, Cherokee F. D. 194,
Cynthia J. Wickliff, et al Cherokee F. D. 218, and
Enoch Daniels, et al, Cherokee F. D. 219,

I dissent from the conclusion of the other Commissioners in the following particulars:

1st. They find in favor of the enrollment of George Daniels, his wife, Frances Daniels, and his alleged two minor children, Nathan and Henry Daniels.

George Daniels, the principal applicant in case 194, is not identified upon either the roll of 1880 or 1896. He is identified only upon the Kern-Clifton roll, which is very unreliable evidence. This is supported chiefly by his own testimony, which I do not consider of a trustworthy character, and by the testimony of one William Foreman, a notorious professional witness, and, throughout, the testimony is essentially inconsistent and contradictory. I do not think that George Daniels makes anything like a good case for himself, and I vote against his enrollment.

As for his wife, Frances Daniels, she is reasonably identified on the roll of 1880 and in other respects her case is well supported. I think she is entitled to enrollment, and with respect to her, I concur with the other Commissioners and vote for her enrollment.

With respect to the two children in this case, the alleged minor children of George Daniels, and as presented by him, of his present wife, Frances Daniels, it is found upon subsequent proceedings, notably in the application made by Sadie Ives for the enrollment of two children, that these are not the children of George Daniels and his wife, Frances, but that they are the children of this Ives woman and that, to say the least, they are of doubtful parentage so far as the father is concerned. In my opinion they could derive no rights through George Daniels, if he be thefather, & they certainly derive no rights through his wife, Frances Daniels, for they are not her children, and I think it is equally clear that they derive no rights through their mother, Sadie Ives. Therefore, I vote in favor of refusing the right to enrollment to these two children who are called Nathan and Henry Daniels.

2nd. Cynthia J. Wickliff in the above mentioned case, 218, applies for the enrollment of herself and her minor child, William Wickliff. She is shown to be a daughter of the aforesaid George Daniels by a former wife, Eliza, deceased. It is not shown that this woman, Cynthia J. Wickliff, has any right except through her father, George Daniels, and her child, William, is not shown to possess any right except through his mother, Cynthia J. Wickliff. It follows from what has been said in regard to the rights of George Daniels and his deceased wife, Eliza, that their daughter, claiming only through them and her child, claiming only through her, have no right to enrollment, and I vote against the enrollment of Cynthia J. Wickliff and her minor child, William Wickliff. This woman is identified only upon the questionable Kern-Clifton roll. She may have been too young to be upon the roll of 1880, upon which she is not found, and she was not admitted to enrollment in 1896.

George Daniels, et al---2.

3rd.

As for the foregoing mentioned case 219, that being the case of Enoch Daniels, his wife, Laura, and his minor children, Ralph and Marshall Daniels, it is found that Enoch Daniels is a son of George Daniels and his deceased wife, Elisa, through whom it has just been concluded that no one derives a right to enrollment. Enoch Daniels, though of sufficient age, is shown not to have been admitted to enrollment in either 1880 or 1896 upon the rolls bearing these dates. He is identified only upon the Yarm-Clifton roll. I vote against his enrollment.

It seems that his wife, Laura, is a daughter of Cornelius Ridge, Cherokee freedman case D-535 who has heretofore been enrolled by the Commission as a Cherokee freedman Giving her the benefit of that identification of her father, I vote in favor of her enrollment now, and also of the enrollment of her two minor children, Ralph and Marshall Daniels.

In conclusion, I concur with the other Commissioners in favor of the enrollment of Frances Daniels, wife of George Daniels, whose application is in the foregoing case 194. I concur with the other commissioners in the enrollment of Laura Daniels and of her two children, Ralph and Marshall Daniels, whose applications are embraced in the foregoing case 218, the latter child being covered by birth certificate attached to the case.

As to all the other applicants in this consolidated case, the enrollment of all of whom is concurred in by the other Commissioners, I dissent from said conclusion and vote against their enrollment.

(Signed) C. R. Breckinridge.
Commissioner.

MH

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

DEPARTMENT
RECEIVED
JAN 2[illegible] 1920
ENCL. TO
NO. 314
SUPT. FIVE CIVILIZED TRIBES

WASHINGTON, January 14, 1920.

I, E. B. Meritt, - - Assistant, Commissioner of Indian Affairs, do hereby certify that the paper hereto attached is a - - - true copy of the original as the same appear a on file - - - in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and caused the seal of this Office to be affixed on the day and year first above written.

E B Meritt

Assistant Commissioner.

IN RE

Application for Enrollment of

INFANT CHILD

William Arthur

as a citizen of

Cherokee

Approved May 9th

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

[illegible] for Enrollment, as a citizen of the Cherokee Nation,
[illegible] Wicklff born on the 26th day of Oct., 1877
[illegible] Jackson Wicklff a citizen of the Cherokee Nation.
[illegible] Cynthia Jane Wicklff citizen of the Cherokee Nation.
Post-office, Sparrow Ind. Ter.

[illegible] STATEMENT OF MOTHER.

[illegible] Wicklff on oath state that I am 21
[illegible] of the Cherokee Nation;
[illegible] Wicklff, who is a citizen, by
[illegible] Nation; that a Male (male or female) child was
[illegible] Oct. 1877; that said child has been
[illegible] Wicklff, and is now living.
Cynthia Jane Wicklff

[illegible] 24th day of april 1901.
G. F. Bailey
NOTARY PUBLIC

[illegible] PHYSICIAN, OR MIDWIFE.

[illegible] Parker, a Midwife, on oath state that I
[illegible] Wicklff wife of Jackson Wicklff
[illegible] Oct. 11 1877; that there was born to her on
[illegible] child; that said child is now living and is said to have been
[illegible] Wicklff
Nancy Parker
[illegible]

[illegible] 24th day April 1901.
G. F. Bailey

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

DEPARTMENT
RECEIVED
JAN 20 1920
ENCL. TO
NO 314
SUPT. FIVE CIVILIZED TRIBES

WASHINGTON, January 14, 1920.

I, E. B. Meritt, Assistant, Commissioner of Indian Affairs, do hereby certify that the paper hereto attached is a true copy of the original as the same appears on file in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and caused the seal of this Office to be affixed on the day and year first above written.

E B Meritt

Assistant Commissioner.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, is citizen of the Cherokee Nation, of George C. Nickliff, born on the 22 day of July, 1901

Name of Father Jackson Nickliff, a citizen of the Cherokee Nation.

Name of Mother Cynthia Nickliff, a citizen of the Cherokee Nation.

Post-office, Chaffee, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Cynthia Nickliff, on oath state that I am 21 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Jackson Nickliff, who is a citizen, by adoption, of the Cherokee Nation, that a male child was born to me on the 22 day of July, 1901 that said child has been named George C. Nickliff, and is now living.

Cynthia Nickliff

WITNESSES TO MARK (Must be Two Witnesses)

Subscribed and sworn to before me this 31 day of October 1901.

Lucius I. Brown
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Nancy Parker, a midwife, on oath state that I attended on Mrs. Cynthia Nickliff, wife of Jackson Nickliff on the 22 day of July, 1901 that there was born to her on said date a male child; that said child is now living and is said to have been named George C. Nickliff

Nancy her X mark Parker

WITNESSES TO MARK (Must be Two Witnesses)

Subscribed and sworn to before me this 31 day of October 1901.

Lucius I. Brown
NOTARY PUBLIC.

FD 718

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Cynthia Wickliff,
Spavinaw, I.T.
Cherokee F-D-218
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-194-216-219.

Muskogee, Indian Territory, July 28, 1904.

Hastings, Ball & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 25, 1904, granting the applications for the enrollment of George, Frances, Nathen, Henry, Enoch, Laura, Ralph and Marshall Daniels, and Cynthia J. and William Wickliff as Cherokee freedmen, together with a dissenting opinion as to the enrollment of certain of these applicants, signed by Commissioner Breckinridge.

You are advised that you will be allowed fifteen days within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. S-94.

Commissioner in Charge.

COPY.

Cherokee Freedmen

D-218.

Muskogee, Indian Territory, August 18, 1904.

Cynthia J. Wickliff,

Spavinaw, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your two minor children, William and George C. Wickliff, as Cherokee freedmen, together with a copy of the Commission's decision, dated July 5, 1904, granting, among others, your said application. There is also enclosed herewith a copy of the dissenting opinion of Commissioner Breckinridge.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished George Daniels, Spavinaw, Indian Territory, by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby. Chairman

Commissioner in Charge.

Encl. S-91.
Register.

COPY.

Cherokee Freedmen
D-194-218-219.

Muskogee, Indian Territory, August 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of George Daniels, et al., including the Commission's decision, dated July 5, 1904, granting the applications for the enrollment of George, Frances, William, Henry, Enoch, Laura, Ralph and Marshall Daniels, and Cynthia J., William and George T. Wickliff, as Cherokee freedmen. There is also enclosed a copy of the dissenting opinion of Commissioner Breckinridge.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Tams Bixby.
Chairman.

Encl. S-95.

Through the

Commissioner of Indian Affairs.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following:

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 24, 1904.

Land.

57605.1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 19, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by George Daniels for himself, his wife, Francis, and his two minor children, Nathan and Henry Daniels; by Cynthia J. Wickliff for herself and her minor children, William and George C. Wickliff; by Enoch Daniels for himself, his wife, Laura, and his minor children, Ralph and Marshall Daniels.

July 5, 1904, the Commission decided faverably to all the applicants, Commissioner Breckinridge filing a dissenting opinion against the enrollment of George Daniels and all applicants claiming exclusively through him.

The record shows that the applicant, George Daniels was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during said war he left the Cherokee Nation, but returned thereto and established a residence therein prior to February 11, 1867; that Laura Daniels, wife of Enoch Daniels, was born since 1866, and is the daughter of Cornelius Ridge

(Cherokee freedman D. 586), who has heretofore been enrolled by the Commission as a Cherokee freedman.

It is further shown that the principal applicant, George Daniels, has lived continuously in the Cherokee Nation since his return in 1866. The applicant, Francis Daniels, is identified upon the 1880 authenticated Cherokee roll as adopted, colored, and has resided in the Nation continuously since the making of that roll. All of the other applicants are the children and grand children of George Daniels and born since 1866, and claim right to enrollment as his descendants.

The exceptions taken by Commissioner Breckinridge appears to be based upon the untrustworthy character of the testimony offered by the applicants, but it does not appear that the testimony of the applicants' witnesses has been in any manner impeached and from the record it appears as truthful and reliable as any adduced before the Commission by either side, in this, or any other record.

In view of the record the approval of the Commission's decision favorable to all the applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.M.
W.

(C O P Y)

DEPARTMENT OF THE INTERIOR, W. C. F.
THE

D. C. 41076-1904 WASHINGTON. October 22, 1904.

I. T. D. 7724-1904.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 19, 1904, you transmitted the record in the consolidated Cherokee freedman case of George Daniels, et al, including your decision of July 5, 1904, granting the applications for the enrollment of George, Frances, Nathan, Henry, Enoch, Laura, Ralph and Marshall Daniels, and Cynthia J., William and George C. Wickliff.

Commissioner Breckinridge dissents from your decision, except as to the applicants Frances Daniels, wife of George Daniels, Laura Daniels, and her two children Ralph and Marshall Daniels. The Attorney for the Cherokee Nation protests against your decision.

Reporting September 24, 1904, the Acting Commissioner of Indian Affairs recommends that your decision, favorable to the applicants, be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) M. W. Miller

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

D-194, et al.

Muskogee, Indian Territory, November 8, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 5, 1904, granting the applications for the enrollment of George, Frances, Nathan, Henry, Enoch, Laura, Ralph and Marshall Daniels, and Cynthia J., William and George C. Wickliff as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 22, 1904.

Respectfully,

SIGNED, Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-218.

Muskogee, Indian Territory, November 8, 1904.

Cynthia J. Wickliff,

Spavinaw, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 5, 1904, granting, among others, the application for the enrollment of yourself and your minor children, William and George C. Wickliff, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 22, 1904.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Cher Fr 1431

Cher Fr 1431

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES TULLOCH, ET AL., for enrollment as citizens of the Cherokee Nation.

COMES NOW, being duly sworn and examined by the Commission, and testifies as follows:

[illegible]

[illegible]

[illegible]

R
Cher D 172a

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Lewis Glass, page 242, # 238, Flint District;
Note: "Colored".
Also on 1896 roll, page 717, # 81, Flint District, as Lewis Glass; Freedmen roll.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 21 day of July, 1902.

T. J. Rossiter
Notary Public.

Ch. 7728

FILED

1904

COMMISSION TO FIVE TRIBES.

Cherokee I. T. D-1728

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, ov.21, 1904.

In the matter of the application for the enrollment of Louis Glass as a Cherokee Freedman.

Plaintiff appears in person and the Cherokee Nation by W. V. Hastings.

The said Louis Glass being duly sworn testifies through an intrepreter, Charles Fry, as follows:

BY THE COMMISSION:

Q What is your name? A Louis Glass.
Q How old are you? A About fifty years.
Q What is your postoffice address? A Stillwell.
Q What is your wife's name? A Louisa.
Q Have you ever appeared before this Commission for enrollment?
A No, never did.
Q How long have you lived in the Cherokee Nation? A All my life I have lived within a mile from where I was born.
Q How was it that you did not appear before the Commission before this? A It was hard for me to appear.
Q Do you know whether or not there has been an application made for your enrollment as a citizen of the Cherokee Nation? A I had heard that someone from over there had enrolled me, I don't know who it was.
Q Is your wife a Cherokee Freedman? A She is a Cherokee.
Q Did your wife ever make application for your enrollment that you know of? A I understand she did.
Q Has your wife been enrolled and received her allotment of lands in the Cherokee Nation? A Yes, she has been enrolled and already alloted.
Q Were you a slave before the war? A Yes, I was owned by John Glass.
Q Was John Glass a Cherokee Indian by blood? A Yes, sir.
Q Where did he live at the breaking out of the war? A In Flint district.
Q You possess no Cherokee blood yourself do you, Mr. Glass?
A Yes, my parents were both colored people.
Q Have you always lived in Flint District? A Yes.
Q Do you know whether or not you were on the 1880 Cherokee roll?
A I don't know whether I was or not.
Q Do you know whether or not you were on the 1896 roll? A I guess I was, I drew money in 1896.
Q Have you any brothers or sisters Mr. Glass? A I have a half brother.
Q What is his name? A Joe Glass.
Q Is he living? A Yes.
Q Is he younger or older than you? A I am the oldest.
Q Did you ever have any other brothers or sisters or half brothers or sisters? A Two that died when they were small.
Q What were their names? A One's name was Sam and one Josiah.
Q What were your parents names? A My mothers name is Esther. My fathers name is Joe.
Q When did your father die? A I was small when my father died.
Q When did your mother die? A I was grown before my mother died, I don't remember how long ago it was.

Q Do you know of any other Louis Glass, either a Freedman or a Cherokee by blood living in Flint district? A No, I don't.
Q Where were you living in 1896? A Right where I live now.
Q Do you know a Joe Glass, a Freedman? A I have a brother by the name of Joe Glass.
Q Is he living? A Yes, he is living.
Q Do you know Quatie Glass? A There was a Quatie Glass my sister, I don't know where she is or where she went.
Q Do you know Cole Glass? A No, I don't.
Q You are now living in Flint district? A Yes, sir.
Q Do you desire to be enrolled as a Cherokee Freedman? A Yes.
Q In case it should be found that you are entitled to enrollment both as a Cherokee Freedman and as an intermarried citizen of the Cherokee Nation, which do you prefer to be enrolled as? A I want to be enrolled just as I am, as a Cherokee Freedman.
Q In case you are enrolled as a Cherokee Freedman by the Commission to the Five Civilized Tribes do you relinquish any and all rights and claims you might have to allotment of lands and distribution of moneys as an intermarried citizen of the Cherokee Nation? A Yes.
Q Your wife and your children all have been enrolled as Cherokees by blood have they, Mr. Glass? A Yes, my wife is enrolled as a Cherokee.
Q Will you give the Commission the names of your wife and children beginning with your eldest child? A Louisa is my wife. Betty, Fannie, Mary, Ada, Zeke, Emma and Nancy.
Q Let me ask you Mr. Glass if these parties that I name are your wife and children? Louisa, Betty, Mary, Fannie, Ada, Zeke, Emma and Nancy? A Yes.

EXAMINATION BY MR. BELL:

Q Where was you during the war? In Flint district.

David Muskrat being duly sworn in behalf of the applicant, testifies as follows through an intrepreter, Charles Fry.

EXAMINATION BY THE COMMISSION:

Q What is your name? A David Muskrat.
Q How old are you Mr. Muskrat? A About fifty-seven.
Q What is your postoffice address? A Evansville, Arkansas.
Q Are you a Cherokee by blood? A Yes.
Q Have you always lived in the Cherokee Nation? A Yes.
Q Are you acquainted with a man in Flint district by the name of Louis Glass? A Yes.
Q What is his nationality? A He is called a negro.
Q How long have you known Mr. Glass? A I have known him since he was a boy.
Q Where has Louis Glass lived since you knew him? A He was taken out of the nation south during the war.
Q Was Louis Glass a slave before the war? A Yes, he was a slave.
Q By whom was he owned at the beginning of the rebellion? A John Glass.
Q Was John Glass a Cherokee by blood? A Yes.
Q How did you know when Louis Glass returned to the Cherokee Nation after the war? A About February in '66.
Q Did you return to the Cherokee Nation with Louis Glass? A Yes, I was mustered out about that time.
Q Do you know the parents of Louis Glass? A Yes.

Q What were his parents names? A His mothers name was Esther.
Q How long has she been dead? A She has been dead a long time, she raised my wife.
Q What was the fathers name? A Joe Glass.
Q Is he living? A No sir.
Q How long has he been dead? A He died during the war at Ft. Smith.
Q Has he any brothers or sisters? A Yes, he has one brother by the name of Joe.
Q Living? A Yes.
Q Is he younger or older than Louis? A He was younger than Louis.
Q How much younger than Louis Glass? A I couldn't say just how much difference there is in their ages, they were both raised right around in that neighborhood.
Q Do you know Mr. Muskrat, whether Louis Glass is on the 1880 roll? A I think he is.
Q Do you know the wife of Louis Glass? A Yes.
Q What is her name? A I only know her by her Cherokee name.
Q Is she a Cherokee by blood or a Freedman? A She is a Cherokee.
Q Are you acquainted with any other Louis Glass in the Flint district, Mr. Muskrat? A No, I don't know anyone.
Q Was there anther Louis Glass living in Flint district in 1880, do you know? A No, I don't know of any other Louis Glass.

CROSS EXAMINATION BY MR. BELL.

Q Where did you live when the war began? A In Flint district.
Q How long did you live there before the war? A I was raised there.
Q About what time of the war was it when they took Louis south? A It must have been in '63.
Q Who took him? A Eph Adair.
Q Where was you during the war? A I was a soldier.
Q What army? A Jim Mann.
Q Federal or Confederate? A Confederate.
Q What company? A Third company.
Q Where did you first see Louis Glass after the war closed? A We heard he was down in the Cherokee Nation and his mother got someone to go down after him.
Q Who went down and got him if you know? A His mother and his uncle, Talonah Glass.
Q Whereabouts in the Cherokee Nation did these people go? A I don't know what point in the Cherokee Nation they went, but I know when they started and when they got back and they brought Louis Glass.

The 1880 roll examined and the name of of the applicant found thereon on page 368, No. 554, as Louis Glass, enrolled thereon as a native Cherokee.

Note "Colored".

Name of the applicant also appears upon the 1896 census roll, Flint district, page 717 opposite No. 31 as Louis Glass, Freedman.

Note "Husband of No. [illegible]".

No. 828 appears on 1896 roll as Louisa Glass.
The wife and children of this applicant appear upon Cherokee Enrollment Card, Field 8123, enrolled as Cherokees by blood and the enrollment of such approved by the Secretary of the Interior.

---xXx---

BY THE COMMISSION: A copy of the testimony heretofore taken in the matter of the application for the enrollment of Louisa Glass as a Cherokee by blood, 8123, will be filed with and made a part of the record in this case.

----xXx----

Opal Griggs being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 21st day of November, 1904, and that the above is a true and correct transcript of her stenographic notes thereof.

Opal Griggs

Subscribed and sworn to before me this 2nd day of December, 1904.

J B Campbell
Notary Public.

Cherokee D-1728.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the enrollment of Louis Glass, as a citizen of the Cherokee Nation.

--: O R D E R :--

It appears from the records of the Commission that on June 30, 1902, Emmet Starr appeared before this Commission, at Muskogee, Indian Territory, and made application for the enrollment of Louis Glass, as a citizen of the Cherokee Nation. Additional proceedings were had in the matter of said application, at Muskogee, Indian Territory on November 21, 1904.

From the evidence taken on November 21, 1904, it appears that the applicant is a Cherokee Freedman and is identified upon the 1880 Authenticated Cherokee Roll.

The evidence further shows that said applicant has resided continuously in the Cherokee Nation from 1880 up to and including September 1, 1902.

It is therefore ordered that Louis Glass, who is listed for enrollment on Card, Cherokee D-1728, be transferred to Cherokee Freedman Card 1431.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Muskogee, Indian Territory,

JAN 17 1906

Cher. D-1728

Tahlequah, Indian Territory, November 4, 1903.

Louis Glass,

Evansville, Arkansas.

Dear Sir:-

Application has been made to this Commission for the enrollment as a citizen of the Cherokee Nation of one Louis Glass, whose name appears on the Cherokee tribal roll of 1880 in Flint District, and also on the 1896 census roll in Flint District--on the latter roll as Lewis Glass.

One Louisa Glass appeared before the Commission at Stilwell on May 3, 1902, and made application to have her husband, Lewis Glass, enrolled as a Freedman of the Cherokee Nation, and she was informed that he would have to go to Muskogee and make personal application. Probably you are the person for whose enrollment application was made, as hereinbefore stated, and you are therefore directed to appear before the Commission at its offices in Tahlequah, Indian Territory, to be examined with reference to the application which has been made for your enrollment.

As the matter is important you are requested to give the same your immediate attention.

Respectfully,

JOC.

Commissioner in Charge
Cherokee Land Office.

COPY.

Muskogee, Indian Territory, December 7, 1904.

W. V. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear sir:

There is herewith enclosed copies of supplemental testimony taken at Muskogee, Indian Territory, in the following Cherokee enrollment cases:

November 21, 1904.

Louis Glass, Cherokee D-1728.

Minnie Carr, et al., Cherokee 4378.

November 22, 1904.

Mary V. Hafford, Cherokee 3861.

Nancy Sourjohn, Cherokee D-3142.

December 2, 1904.

John Hart, Cherokee D-3043.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Encl. OG-7

COPY.

Muskogee, Indian Territory, January 17, 1905.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of an order dated January 17, 1905, signed by Commissioner Bixby, transferring Louis Glass from Cherokee Card D-1728 to Cherokee Freedman Card 1431.

Respectfully,

SIGNED: Tams Bixby
Chairman.

Encl. OG-23.

COPY.

Cherokee Freedmen

No. 1431.

Muskogee, Indian Territory, January 21, 1905.

Charles O. Frye,

Sallisaw, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of January 18, relative to the enrollment of Louis Glass as a Cherokee freedman.

In reply you are advised that, by an order of the Commission of January 17, 1905, the name of this applicant was transferred from Cherokee Doubtful card, No. 1728, to Cherokee Freedmen straight card No. 1431.

You are further advised that the said Louis Glass will not be permitted to make an allotment selection until his name has been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action he will be duly advised.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

EMPTY

Cher Fr 1433
Trans. from Cher Fr R66

Cher Fr 1433

APR 27 1901

REJECTED, as to Children, BUSTER AND GIPTOR VANN:
DOUBTFUL, as to Child, GEORGE VANN:

DEPARTMENR OF THE INTERIOR,
COMMISSION TO THE FUVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 25th, 1901.

In the matter of the application of James Vann for the enrollment of himself and three children as Cherokee Freedmen; said Vann being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A James Vann.
Q What is your age? A About 38.
Q What is your post office address? A Fort Gibson.
Q What district do you live in? A Cherokee Nation.
Q Well, what district? A I live here.
Q Illinois District? A Yes, sir.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled by any other tribe or Nation? A No, sir.
Q Did you ever draw any money from any other tribe? A No, sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A Yes, sir.
Q Who do you want to enroll besides yourself? A Myself and two children.
Q What is the name of youroldest child? A George Vann.
Q How old is he? A 13.
Q What is the name of the next child? A Buster.
Q How old is he? A Five years old.
Q The next one? A Four, the 26th of August.
Q What is its name? A Giptor.
Q Are you married? A No, sir.
Q Were you ever married? A No, sir, I lived with a woman.
Q What is the name of mother of these children? A Georgia.
Q Georgia what? A Georgia Estridge is the mother of the two youngest.
Q Is she a citizen? A No, sir.
Q What is the name of the mother of the oldest one? A Avus Poorbear.
Q Is she a citizen? A Yes, sir, I suppose so.
Q Is she living? A Yes, sir.
Q Were you ever married to Avus Poorbear? A No, sir.
Q Were you ever married to Georgia Estridge? A No, sir.
Q Did you ever live with them as man and wife? A Yes, sir.
Q Did you ever live with Georgia Estridge as her husband? A Yes, sir.
Q How long? A About seven years.
Q Is she living? A Yes, sir.
Q Did you ever get a divorce from her? A No, sir.
Q Did you ever live with Avus Poorbear as your wife? A No, sir, just stopped, used her.
Q Have you got anybody here that you can prove that you lived with Georgia Estridge as your wife? A This is the woman that I lived with her as her main wife, Nancy Vann.
Q Was Nancy Vann and you living together when George was born? A Yes, sir.
Q What was your father's name? A Daniel Vann.
Q What was your mother's name? A Lottie Vann.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and applicant's name found thereon, page 598, #2085, James Vann, Illinois District.

The 1896 Census Roll of citizens of the Cherokee Nation examined and applicants' names found thereon as follows:
Page 969, #713, James Vann, Illinois District.
Page 969, #714, George Vann, Illinois District.
Page 969, #715, Buster Vann, Illinois District.

Q New, I understand you to say, Mr. Vann, that your wife was Nancy Vann? A My first wife.
Q She is still living? A Yes, sir.
Q And that you were living with Nancy Vann when George wasborn?
A Yes, sir.
Q And George was born by a woman named Georgia Estridge? A No, sir; woman by the name of Avus Poorbear, that is the oldest one.
Q Is this Poorbear a Cherokee citizen or Freedman? A Cherokee citizen.
Q You never pretended to be married or live as man and wife and as her husband? A No, sir.
Q You were married to Nancy Vann at that time were you?
A Not lawfully married to her; I had been living with her 15 or 16 years.

COM'R NEEDLES:--The name of James Vann is found upon the authenticated roll of 1880 as well as the census roll of 1896. He is duly identified and names satisfactory proof as to residence and will be listed for enrollment as a Cherokee Freedman.

He applies for the enrollment of a child, George Vann, whom he avers is the child of Avus Poorbear. He avers that Avus Poorbear is a Cherokee citizen, but her name cannot be found upon the authenticated roll of1880. The name of said George Vann, averred son of James Vann, will be placed upon a doubtful card, awaiting proof of the citizenship of his mother, Avus Poorbear.

He avers that the two children, Buster and Giptor, are the children of one Georgia Estridge, a non-citizen, and that he was never married to her, consequently his application for the enrollment of his two children, Buster and Giptor, will be denied, and their application for enrollment as Cherokee Freedmen will be rejected.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 26th day of April, 1901.

Commissioner.

VB. F. 76. 66

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 25 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 25 1901

Post Office Ft. Gibson I.T.

District Ill

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Rejected

2. Name of wife

Owners name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Hilpton Vann Year Page No. Dist. 4

4. Ephatter " Year 876 Page 969 No. 715 Dist. Ill 5

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Lida Vann (Father) Stenographer H. Gibson

X Reg.

Cherokee freedmen
D 173 and R 66.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JUNE 28, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of GIPTOR VANN, ET AL., and GEORGE VANN as Cherokee freedman.

It appears that on June 11, 1904, the attorney for the Cherokee Nation and James Vann, the father of the applicants, were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 28, 1904, and then and there introduce further testimony touching the points mentioned in said letter.

APPEARANCES:
Applicants represented by their father, James Vann.
Cherokee Nation by its attorney, James S. Davenport.

JAMES VANN, being first duly sworn, testified as follows on behalf of the applicants:

By the Commission:
Q What is your name? A James Vann.
Q How old are you? A About 43 past.
Q What is your postoffice address? A Fort Gibson.
Q You have heretofore applied for the enrollment of your children, George, Giptor and Buster Vann, as Cherokee freedmen? A Yes, sir.
Q How old is George Vann? A About 17 this coming September 2nd.
Q What is the name of his mother? A Avis Poorbear.
Q Was she a citizen of the Cherokee Nation? A Yes, sir.
Q Was she a Cherokee by blood? A Yes, sir.
Q Is she living? A Yes, sir.
Q Where does she live now? A Fort Gibson, I think.
Q What is her present name? A Watson, I think, is her present name, since she got married.
Q How old is she now? A I don't know, sir.
Q Were you ever married to her? A No, sir.
Q Did you ever live with her? A No, sir.
Q Where was your child, George, born? A Fort Gibson.
Q Was this woman, Avis Poorbear, living there then? A Yes, sir.
Q You were living there? A Yes, sir.
Q You never lived with her and were never married to her? A No, sir.
Q Do you know whether or not she has been enrolled by this Commission as a Cherokee by blood? A I suppose she has.
Q Do you know whether or not she has any family now? Not now, but herself.
Q Do you know under what name she enrolled? A No, sir, I don't.
Q How long has she gone by the name of Watson? A I expect 16 or 17 years, maybe longer; would not be positive.
Q When did you first get acquainted with her? A I have been knowing her all her days.
Q Is she as old as you are? A No, sir.
Q Do you know where she was living along about 1880? A Fort Gibson, I suppose.
Q Has she got any children? A None but that one.
Q Where has this child, George, been living since birth? A Right with me.
Q Always lived with you? A Yes, sir, ever since he could set alone.

Q Has Avis Poorbear always lived about Fort Gibson in the Cherokee Nation? A Yes, sir, as long as I have known her.
Q And you have known her since she was a small child? A Yes, sir, for twenty years, maybe longer.
Q If it should be found that your child, George, is entitled to be enrolled either as a Cherokee freedman or as a Cherokee by blood, which way do you prefer to have him enrolled, as a Cherokee freedman? A Yes, sir.
Q Since you have known her has she ever gone by any other name besides Watson and Poorbear? A No, sir, not as I know of.
Q Did she ever have any given name besides Avis? A Not as I know of.
Q Is her mother alive? A Yes, sir.
Q What is her name? A Fanny.
Q Poorbear? A Yes, sir.
Q Are they fullblood Cherokee Indians? A Yes, sir, I think they are halfbreeds.
Q Are they Indian and white or Indian and colored? A Indian and white, I guess.
Q Has Avis Poorbear got any brothers or sisters? A Willie Clark is her haflbrother.
Q Was she married to a man named Watson? A Yes, sir.
Q What was his full name? A She married a railroad man by the name of Watson after this boy of mine was born.
Q Is she living with him now? A No, sir, not living with anybody at all now as I know of.

By Mr. Davenport:
Q You said you never were married to Avis? A No, sir.
Q You had a wife at that time, didn't you? A I had a woman, yes, sir.
Q What was her name? A Nancy Vann, sometimes there, a part of the time she was gone.
Q You were never divorced from her? A No, sir.
Q And this child that you claim was born, Avis Poorbear was the mother of, while you were living with Nancy as your wife? A Yes, sir.

By the Commission:
Q Was Avis Poorbear married to any man or living with any man when this child, George was born? A No, sir.
Q Had she been living with any man for a year before that? A Not as I know of.
Q She wasn't married? A Not as I know of.
Q Who is the mother of Giptor and Buster Vann? A Georgia Brown.
Q Is she living? A Yes, sir.
Q Is she a Cherokee citizen? A No, sir.
Q A white woman? A No, sir, colored woman.
Q State woman? A Yes, sir.
Q How old is Buster Vann? A He was born July 26, 1895, and Giptor Vann was born August 20, 1897.
Q Were you married to the mother of these children? A No, sir.
Q Where were they born? A There at home at my place.
Q At Fort Gibson? A Yes, sir.
Q Were you living with this woman at that time? A Yes, sir.
Q You had no other wife then? A My other wife was around, but she was gone; she was there sometimes and sometimes she was gone.
Q Where have these two children, Giptor and Buster, lived since their birth? A Right at home.
Q Always lived with you? A Yes, sir.
Q Where does Georgia Brown live now? A At home.
Q At your place yet? A Yes, sir.

Q Has she lived there ever since these children were born? A Yes, sir, off and on ever since they were born; they-sam she comes and goes.
Q Does she ever take the children away with her? A No, sir, they have been right there at home with me.
Q Was she living with any other man or did she have a husband at the time these children were born? A No, sir.

By Mr. Davenport:
Q Let me understand you. Do these children live in your house as part of your family, with your wife Nancy? A Yes, sir, been right there.
Q Where does the mother of these children live, in your house? A No, sir, in another house.
Q Hasn't she lived in another house all the time since the birth of the children? A No, sir.
Q Did she ever live in your house with your wife, Nancy and you?
Q She goes backwards and forwards until Nancy left and she went off.
Q You and Nancy are living together now? A No, sir.
Q How long have you been separated? A Two or three years.
Q After these children were born? A Yes, sir.
Q You hadn't been divorced when these children were born? A No, sir.
Q And Nancy was your wife when these children were born? A Yes, sir.
Q When did you take these children from Georgia to raise? A She give them to me when they were big enough to wean.
Q And your wife Nancy lived there with you and your children? A Yes, sir, with Buster.
Q Where are the children now? A They are at home.
Q At your house? A Yes, sir.
Q The mother of these children, Georgia, is not a freedman or Cherokee free- either one? A No, sir.
Q And the children were born while you were the husband of Nancy, the wife you haven't been divorced from? A Yes, sir.
Q You were not married to Georgia? A No, sir, neither one of them.
Q To Avis Poorbear neither? A No, sir.
Q And Nancy was your wife at the time all of these children were born? A Yes, sir, I had taken up with her and living with her all the time.

FRANK VANN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Frank Vann.
Q How old are you? A About 50, I suppose, I don't know exactly.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know James Vann who lives at Fort Gibson? A Yes, sir.
Q Do you know his three children, George, Giptor and Buster? A Yes, sir.
Q How long have you known those children? A Ever since they were born.
Q Who is the mother of Georgia? A Cherokee woman named Avis, I know her when I see her, that is Georgia's mother.
Q Who is the mother of Giptor and Buster? A She is a colored woman; her name is Georgia.
Q Where does she live? A Gibson.
Q Since the birth of these children where have they lived? A Right at Gibson.
Q Born there? A Yes, sir.
Q Who have they lived with since birth? A Jim Vann.
Q Haven't lived with their mothers? A No, sir.

Q Georgia, the mother of Gipter and Buster, was a state woman was she? A I think she is; I think she come from Texas.
Q You say the mother of George Vann is a Cherokee woman? A Yes, sir.
Q What is her full name? A Her name is Avis; I don't know whether it is Avis Poorbear or what; she is living right there close to the Pacific Depot.
Q What is her mother's name? A Her mother is living there with her, Fany Poorbear, I know both women.
Q Do you know whether or not this Avis has ever applied to the Commission to be enrolled? A No more than hearsay; I heard she was on the roll.
Q Do you know under what name? A No, sir.
Q Did you ever hear her called any other name besides Avis Poorbear? A No, sir, her stepfather was Poorbear and she went by that, I think.
Q Do you know what her father's name was? A I didn't know her father; her step father was a deputy marshal in Fort Gibson and got killed, and I think she went by his name, though she wasn't his child. She has a brother living right there at the depot who is a Cherokee.
Q What was her brother's name? A Her stepfather was Poorbear, Will Poorbear, sometimes they called this fellow Will Clark, and sometimes Poorbear, but I don't know which is the right name.
Q Do you know where this Avis was living about 1880 when the 1880 roll was made? A No, sir, I don't know where she was in 1880.
Q Did she ever have any other given name besides Avis? A None as I know of. She ought to be enrolled right along with Fany and Will Clark.
Q Did you ever know this Avis to go by the name of Watson? A No, sir, ~~I have heard of her being married to Watson~~
Q Never heard of her being married to Watson? A No, sir; a part of the time I never knowed her; I didn't think she has ever been married.

By Mr. Davenport:
Q You don't know anything about Jim's being the father of these children of your own knowledge? A No, sir, no more than what she said.
Q They were never married so far as you know? A No, sir, not as I know of.
Q She lived in Fort Gibson where any number of people lived?
A Yes, sir.
Q Both of the mothers of these children lived there? A Yes, sir.
Q Jim was married at that time and had a wife, Nancy? A He lived with Nancy.
Q They were recognized as man and wife in the town there? A Yes, sir.

ROBERT THORNTON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Robert Thornton.
Q How old are you? A 28.
Q What is your postoffice address? A Muskogee.
Q Do you know James Vann who lives at Fort Gibson, a Cherokee freedman? A Yes, sir.
Q Do you know his three children, George, Gipter and Buster Vann?
A Yes, sir.
Q How long have you known these children? A Ever since they have been birthed.
Q Do you know the mother of these children? A Poorbear they claim is the mother of George.

Q What was her given name? A I don't know.
Q Where does she live? A Fort Gibson.
Q Is she a white woman? A No, sir, Indian.
Q Cherokee Indian? A Yes, sir.
Q She is the mother of George? A Yes, sir.
Q Where was George born? A Over there in the bottom where Jim Vann is living.
Q Where has he lived ever since his birth? A Right down there in the bottom with Jim.
Q With Jim all the time? A Yes, sir.
Q Never did live with his mother? A No, sir, she give him to him when he got up so he would eat.
Q How old is he now? A I don't know exactly, about 16 or 17 years old.
Q Who is the mother of Giptor and Buster? A A lady called Georgia.
Q Georgia what is her name? A Just tell you the truth I don't know what her other name was; I always knower by georgia.
Q Was she a citizen of the Cherokee Nation? A No, sir.
Q Where were these children, Giptor and Buster born? A Down there in the bottom on Jim's place.
Q Near Fort Gibson? A Yes, sir.
Q Where have they lived since birth? A In the bottom there with Jim Vann.
Q Where does their mother live? A I don't know.
Q They never have lived with her? A No, sir, Jim has raised them and has them yet.

By Mr. Davenport:
Q Where were you living when this last child was born? A Near John Leander's.
Q Where is that? A On Ranger creek.
Q How far from Fort Gibson? A About ten miles.
Q You are what age now? A About 28 years old.
Q You were about 14 then when the last boy was born? A As near as I can get at it.
Q Jim and this woman were married, were they? A I couldn't say.
Q Was he ever married to either one of these women? A I don't know.
Q He had a wife living at the time, didn't he? A A woman named---
Q Nancy? A I believe thats right.
Q The same woman he had all the time up to a year or two ago when they separated, isn't it? A Yes, sir.
Q These women, did they live in the house with Jim? A They lived on the place there; he had two places; one lived with him and the other on the other place.
Q How long did one live with him? A I don't know exactly.
Q You know the women lived in that country and are supposed to be the mothers of these children? A Yes, sir.
Q You don't know who the father of them are of your own knowledge? A No, sir.

Commission: It appears from an examination of the Commission's records that Fanny Poorbear is listed for enrollment as a Cherokee by blood on Cherokee straight card No. 6150 and that her name appears upon the final roll of Cherokee citizens, approved by the Secretary of the Interior, opposite No. 14651.

It further appears that the name of William Clark, son of Fanny Poorbear, has been listed for enrollment as a Cherokee by blood on Cherokee card No. 9661, and that his name appears on the finalk roll of Cherokees by blood, approved by the Secretary of the Interior, opposite No. 21801.

The name of Avis Poorbear, or Watson, the alleged mother of the

child, George Vann, cannot be identified either upon the 1880 authenticated roll or upon the Commission's records of persons who have applied for enrollment.

* * * * * * * * * * * * * *

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this the 20th day of July, 1904.

Charles N. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Vann, et al., as Cherokee Freedmen, consolidating the applications of--

George Vann,
Giptor Vann et al., Cherokee Freedmen D-173,
Cherokee Freedmen R- 66.

D E C I S I O N.

The record herein shows that on April 20, 1901, James Vann appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of himself and his minor children, George, Giptor and Buster Vann, as Cherokee Freedmen. The said James Vann is classified differently from the said George, Giptor and Buster Vann, and will not be embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 1, and June 28, 1904.

The evidence shows that one James Vann is the father of the applicants herein; that the said James Vann has continuously resided in the Cherokee Nation since birth and is identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896; and that the said James Vann is included in a partial roll of Cherokee Freedmen, (No. 2825), approved by the Secretary of the Interior, April 30, 1904.

The evidence further shows that the applicants herein were born since 1880 and have continuously resided in the Cherokee Nation since birth.

It is, therefore, the opinion of this Commission that George Vann, Giptor Vann and Buster Vann, should be enrolled as Cherokee Freedmen in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman

(SIGNED) T. B. Needles.
Commissioner

(SIGNED) C. R. Breckinridge.
Commissioner

Muskogee, Indian Territory,
this JAN 11 1905

COPY.

Cherokee Freedman
D-173.
R-66.

Muskogee, Indian Territory, January 10, 1905.

Ball, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 10, 1905, granting the applications for the enrollment of George, Giptor, and Buster Vann as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. L-89.

(SIGNED) Tams Bixby.
Chairman.

COPY

Cherokee Freedman
D-173---R-66.

Muskogee, Indian Territory, January 30, 1905.

James Vann,

Fort Gibson, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 10, 1905, granting the applications for the enrollment of your minor children, George, Giptor, and Buster Vann, as Cherokee freedmen.

You are advised that you will not be permitted to make allotment selections for the said minor children until their names have been placed upon a final schedule of Cherokee freedman and approved by the Secretary of the Interior, of which action you will be duly advised.

Respectfully,

Encl. L-42.

Tams Bixby.
Chairman.

Cher Fr 1434

Trans. from Cher Fr D173

Cher Fr 1434

J. S. 173.

James Ward, et al.

REJECTED, as to Children, BUSTER AND GIPTOR VANN:
DOUBTFUL, as to Child, GEORGE VANN:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 25th, 1901.

In the matter of the application of James Vann for the enrollment of himself and three children as Cherokee Freedman; said Vann being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A James Vann.
Q What is your age? A About 38.
Q What is your post office address? A Fort Gibson.
Q What district do you live? A Cherokee Nation.
Q Well, what district? A I live here.
Q Illinois District? A Yes, sir.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled by any other tribe or Nation? A No, sir.
Q Did you ever draw any money from any other tribe? A No, sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A Yes, sir.
Q Who do you want to enroll besides yourself? A Myself and two children.
Q What is the name of your oldest child? A George Vann.
Q How old is he? A 13.
Q What is the name of the next child? A Buster.
Q How old is he? A Five years old.
Q The next one? A Four, the 26th of August.
Q What is its name? A Giptor.
Q Are you married? A No, sir.
Q Were you ever married? A No, sir, I lived with a woman.
Q What is the name of mother of these children? A Georgia.
Q Georgia what? A Georgia Estridge is the mother of the two youngest.
Q Is she a citizen? A No, sir.
Q What is the name of the mother of the oldest one? A Avus Poorbear.
Q Is she a citizen? A Yes, sir, I suppose so.
Q Is she living? A Yes, sir.
Q Were you ever married to Avus Poorbear? A No, sir.
Q Were you ever married to Georgia Estridge? A No, sir.
Q Did you ever live with them as man and wife? A Yes, sir.
Q Did you ever live with Georgia Estridge as her husband? A Yes, sir.
Q How long? A About seven years.
Q Is she living? A Yes, sir.
Q Did you ever get a divorce from her? A No, sir.
Q Did you ever live with Avus Poorbear as your wife? A No, sir, just stopped, used her.
Q Have you got anybody here that you can prove that you lived with Georgia Estridge as your wife? A This is the woman that I lived with her as her main wife, Nancy Vann.
Q Was Nancy Vann and you living together when George was born? A Yes, sir.
Q What was your father's name? A Daniel Vann.
Q What was your mother's name? A Lettie Vann.

The 1880 Authenticated roll of citizens of the Cherokee Nation examined and applicant's name found thereon, page 598, #2085, James Vann, Illinois District.
The 1896 Census Roll of citizens of the Cherokee Nation examined and applicants' names found thereon as follows:
Page 969, #712, James Vann, Illinois District.
Page 969, #714, George Vann, Illinois District.
Page 969, #715, Buster Vann, Illinois District.

Now, I understand you to say, Mr. Vann, that your wife was Nancy Vann? A My first wife.
Q She is still living? A Yes, sir.
Q And that you were living with Nancy Vann when George was born?
A Yes, sir.
Q And George was born by a woman named Georgia Estridge? A No, sir; woman by the name of Avus Poorbear, that is the oldest one.
Q Is this Poorbear a Cherokee citizen or Freedman? A Cherokee citizen.
Q You never pretended to be married or live with man and wife and as her husband? A No, sir.
Q You were married to Nancy Vann at that time were you?
A Not lawfully married to her; I had been living with her 15 or 16 years.

COM'R NEEDLES:--The name of James Vann is found upon the authenticated roll of 1880 as well as the census roll of 1896. He is duly identified and makes satisfactory proof as to residence and will be listed for enrollment as a Cherokee Freedman.

He applies for the enrollment of a child, George Vann, whom he avers is the child of Avus Poorbear. He avers that Avus Poorbear is a Cherokee citizen, but her name cannot be found upon the authenticated roll of 1880. The name of said George Vann, averred son of James Vann, will be placed upon a doubtful card, awaiting proof of the citizenship of his mother, Avus Poorbear.

He avers that the two children, Buster and Giptor, are the children of one Georgia Estridge, a non-citizen, and that he was never married to her, consequently his application for the enrollment of his two children, Buster and Giptor, will be denied, and their application for enrollment as Cherokee Freedmen will be rejected.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 26th day of April, 1901.

Commissioner.

72 F.D. 173

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 25 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 25 1901

Post Office Ft. Gibson, I.T.

District Illinois

1. Name

Owner's name

Year Page No. District

Age

Citizenship

Parents:

Father

Mother

Citizenship

Citizenship

Doubtful

2. Name of wife

Owners name

Year Page No. District

Age

Citizenship

Parents:

Father

Mother

Citizenship

Citizenship

Names of Children:

1. George Lane Year 1896 Page 969 No. 714 Dist. Gil
2. ~~Bettie~~ Year Page No. Dist.
3. ~~Sophie~~ Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Doubtful

Application made by James Lane (father) Stenographer L. G. Pierson

X Rg

FILED
MAR 4 1904
POL. MISSION TO THE TRIBES.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 1, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of James Vann, et al., for enrollment as Cherokee freedmen.

It appears that on the 23rd day of January, 1904, the principal applicant and the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on March 1, 1904, and then and there to introduce further testimony touching the matters stated in said letter.

APPEARANCES:

Applicant, James Vann, appears in person.
Cherokee Nation by its attorney, W. W. Hastings.

JAMES VANN, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A James Vann.
Q How old are you? A About 43, I think.
Q What is your postoffice address? A Fort Gibson.
Q You make application for the enrollment of yourself and child, George Vann, as Cherokee freedmen? A Yes, sir.
Q Where were you at the time of the breaking out of the war of the rebellion? A I been right here, I guess, I was born right here at Webbers Falls.
Q Do you know whether or not you were taken out of the Cherokee Nation. A No, sir.
Q Have you ever lived out of the Cherokee Nation? No, sir.
Q Never have been out? A No, sir.
Q Where have you lived all your life? A Around Fort Gibson here.
Q You have never lived in any place except in Illinois District, Cherokee Nation? A No, sir.
Q Where did your father and mother live before the war, do you know?
A Before the war, I know, Webbers Falls, I think.
Q Do you know whether or not either of them ever went out of the Cherokee Nation? A I think not.
Q Where did they die? A Father died up here close to Melvin; mother isn't dead yet.

FRANK VANN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Frank Vann.
Q How old are you? A I am about 50.
Q What is your postoffice address? A Fort Gibson.
Q Do you know the applicant here, James Vann? A Yes, sir.
Q Do you know how old he is? A I can tell you the year he was born in--in '62. He must be about 42 years old. I know when and where he was born, but I don't know the date.

Q Where was he born? A Webbers Falls.
Q Where has he lived since birth? A In the Cherokee Nation.
Q Did he ever live out of the Cherokee Nation? A No, sir, he has just been out and right back.
Q How long has he stayed outside? A He didn't stay a month. He wentto Fort Smith, but didn't stay a month.
Q When did he come back? A We went away in the fall of '62, but come right back.
Q You have known him and known where he has lived all the time since that? A Yes, sir, he has lived right at Fort Gibson ever since the year '62 until now.

MARTIN B. BENGE, being first duly sworn, testified as follows:

By the Commission.
Q What is your name? A Martin B. Benge.
Q How old are you? A I am 47.
Q What is your postoffice address? A Fort Gibson.
Q Do you know the applicant here, James Vann? A Yes, sir.
Q How long have you known him? A I have known him ever since '67.
Q Do you know where he has lived from that time until this?
A Yes, sir, he has lived right around Fort Gibson.
Q Never has lived out of the Cherokee Nation? A No, sir, to my knowing.

o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled case, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this 2nd day of March, 1904.

Edward Morrick
Notary Public.

Cards' Geo.'s Asm' cannot be identified either upon the 1880 census
nor upon the Commissioner's record of persons who
were obliged for entertainment.

-o-o-o

Cherokee freedmen
D 173 and R 66.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JUNE 28, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of GIPTOR VANN, ET AL., and GEORGE VANN as Cherokee freedmen.

It appears that on June 11, 1904, the attorney for the Cherokee Nation and James Vann, the father of the applicants, were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 28, 1904, and then and there introduce further testimony touching the points mentioned in said letter.

APPEARANCES:
Applicants represented by their father, James Vann.
Cherokee Nation by its attorney, James S. Davenport.

JAMES VANN, being first duly sworn, testified as follows on behalf of the applicants:

By the Commission:
Q What is your name? A James Vann.
Q How old are you? A About 43 past.
Q What is your postoffice address? A Fort Gibson.
Q You have heretofore applied for the enrollment of your children, George, Giptor and Buster Vann, as Cherokee freedmen? A Yes, sir.
Q How old is George Vann? A About 17 this coming September 2nd.
Q What is the name of his mother? A Avis Poorbear.
Q Was she a citizen of the Cherokee Nation? A Yes, sir.
Q Was she a Cherokee by blood? A Yes, sir.
Q Is she living? A Yes, sir.
Q Where does she live now? A Fort Gibson, I think.
Q What is her present name? A Watson, I think, is her present name, since she got married.
Q How old is she now? A I don't know, sir.
Q Were you ever married to her? A No, sir.
Q Did you ever live with her? A No, sir.
Q Where was your child, George, Born? A Fort Gibson.
Q Was this woman, Avis Poorbear, living there then? A Yes, sir.
Q You were living there? A Yes, sir.
Q You never lived with her and were never married to her? A No, sir.
Q Do you know whether or not she has been enrolled by this Commission as a Cherokee by blood? A I suppose she has.
Q Do you know whether or not she has any family now? Not now, but herself.
Q Do you know under what name she enrolled? A No, sir, I don't.
Q How long has she gone by the name of Watson? A I expect 16 or 17 years, maybe longer; would not be positive.
Q When did you first get acquainted with her? A I have been knowing her all her days.
Q Is she as old as you are? A No, sir.
Q Do you know where she was living along about 1880? A Fort Gibson, I suppose.
Q Has she got any children? A None but that one.
Q Where has this child, George, been living since birth? A Right with me.
Q Always lived with you? A Yes, sir, ever since he could set alone.

Q Has Avis Poorbear always lived about Fort Gibson in the Cherokee Nation? A Yes, sir, as long as I have known her.
Q And you have known her since she was a small child? A Yes, sir, for twenty years, maybe longer.
Q If it should be found that your child, George, is entitled to be enrolled either as a Cherokee freedman or as a Cherokee by blood, which way do you prefer to have him enrolled, as a Cherokee freedman? A Yes, sir.
Q Since you have known her has she ever gone by any other name besides Watson and Poorbear? A No, sir, not as I know of.
Q Did she ever have any given name besides Avis? A Not as I know of.
Q Is her mother alive? A Yes, sir.
Q What is her name? A Fanny.
Q Poorbear? A Yes, sir.
Q Are they fullblood Cherokee Indians? A Yes, sir, I think they are halfbreeds.
Q Are they Indian and white or Indian and colored? A Indian and white, I guess.
Q Has Avis Poorbear got any brothers or sisters? A Willie Clark is her haflbrother.
Q Was she married to a man named Watson? A Yes, sir.
Q What was his full name? A She married a railroad man by the name of Watson after this boy of mine was born.
Q Is she living with him now? A No, sir, not living with anybody at all now as I know of.

By Mr. Davenport:
Q You said you never were married to Avis? A No, sir.
Q You had a wife at that time, didn't you? A I had a woman, yes, sir.
Q What was her name? A Nancy Vann, sometimes there, a part of the time she was gone.
Q You were never divorced from her? A No, sir.
Q And this child that you claim was born, Avis Poorbear was the mother of, while you were living with Nancy as your wife? A Yes, sir.

By the Commission:
Q Was Avis Poorbear married to any man or living with any man when this child, George was born? A No, sir.
Q Had she been living with any man for a year before that? A Not as I know of.
Q She wasn't married? A Not as I know of.
Q Who is the mother of Giptor and Buster Vann? A Georgia Brown.
Q Is she living? A Yes, sir.
Q Is she a Cherokee citizen? A No, sir.
Q A white woman? A No, sir, colored woman.
Q State woman? A Yes, sir.
Q How old is Buster Vann? A He was born July 26, 1895, and Giptor Vann was born August 20, 1897.
Q Were you married to the mother of these children? A No, sir.
Q Where were they born? A There at home at my place.
Q At Fort Gibson? A Yes, sir.
Q Were you living with this woman at that time? A Yes, sir.
Q You had no other wife then? A My other wife was around, but she was gone; she was there sometimes and sometimes she was gone.
Q Where have these two children, Giptor and Buster, lived since their birth? A Right at home.
Q Always lived with you? A Yes, sir.
Q Where does Georgia Brown live now? A At home.
Q At your place yet? A Yes, sir.

Q Has she lived there ever since these children were born? A Yes, sir, off and on ever since they were born; ~~they-com~~ she comes and goes.
Q Does she ever take the children away with her? A No, sir, they have been right there at home with me.
Q Was she living with any other man or did she have a husband at the time these children were born? A No, sir.

By Mr. Davenport:
Q Let me understand you. Do these children live in your house as part of your family, with your wife Nancy? A Yes, sir, been right there.
Q Where does the mother of these children live, in your house?
A No, sir, in another house.
Q Hasn't she lived in another house all the time since the birth of the children? A No, sir.
Q Did she ever live in your house with your wife, Nancy and you?
Q She goes backwards and forwards until Nancy left and she went off.
Q You and Nancy are living together now? A No, sir.
Q How long have you been separated? A Two or three years.
Q After these children were born? A Yes, sir.
Q You hadn't been divorced when these children were born? A No, sir.
Q And Nancy was your wife when these children were born? A Yes, sir.
Q When did you take these children from Georgia to raise? A She give them to me when they were big enough to wean.
Q And your wife Nancy lived there with you and your children? A Yes, sir, with Buster.
Q Where are the children now? A They are at home.
Q At your house? A Yes, sir.
Q The mother of these children, Georgia, is not a freedman or Cherokee ~~free-~~ either one? A No, sir.
Q And the children were born while you were the husband of Nancy, the wife you haven't been divorced from? A Yes, sir.
Q You were not married to Georgia? A No, sir, neither one of them.
Q To Avis Poorbear neither? A No, sir.
Q And Nancy was your wife at the time all of these children were born? A Yes, sir, I had taken up with her and living with her all the time.

FRANK VANN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Frank Vann.
Q How old are you? A About 50, I suppose, I don't know exactly.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know James Vann who lives at Fort Gibson? A Yes, sir.
Q Do you know his three children, George, Giptor and Buster? A Yes, sir.
Q How long have you known those children? A Ever since they were born.
Q Who is the mother of Georgia? A Cherokee woman named Avis, I know her when I see her, that is Georgia's mother.
Q Who is the mother of Giptor and Buster? A She is a colored woman; her name is Georgia.
Q Where does she live? A Gibson.
Q Since the birth of these children where have they lived? A Right at Gibson.
Q Born there? A Yes, sir.
Q Who have they lived with since birth? A Jim Vann.
Q Haven't lived with their mothers? A No, sir.

Q Georgia, the mother of Giptor and Buster, was a state woman was she? A I think she is; I think she come from Texas.
Q You say the mother of George Vann is a Cherokee woman? A Yes, sir.
Q What is her full name? A Her name is Avis; I don't know whether it is Avis Poorbear or what; she is living right there close to the Pacific Depot.
Q What is her mother's name? A Her mother is living there with her, Famy Poorbear, I know both women.
Q Do you know whether or not this Avis has ever applied to the Commission to be enrolled? A No more than hearsay; I heard she was on the roll.
Q Do you know under what name? A No, sir.
Q Did you ever hear her called any other name besides Avis Poorbear? A No, sir, her stepfather was Poorbear and she went by that, I think.
Q Do you know what her father's name was? A I didn't know her father; her step father was a deputy marshal in Fort Gibson and got killed, and I think she went by his name, though she wasn't his child. She has a brother living right there at the depot who is a Cherokee.
Q What was her brother's name? A Her stepfather was Poorbear, Will Poorbear, sometimes they called this fellow Will Clark, and sometimes Poorbear, but I don't know which is the right name.
Q Do you know where this Avis was living about 1880 when the 1880 roll was made? A No, sir, I don't know where she was in 1880.
Q Did she ever have any other given name besides Avis? A None as I know of. She ought to be enrolled right along with Famy and Will Clark.
Q Did you ever know this Avis to go by the name of Watson? A No, sir, ~~I have heard of her being married to Watson~~
Q Never heard of her being married to Watson? A No, sir; a part of the time I never knowed her; I didn't think she has ever been married.

By Mr. Davenport:
Q You don't know anything about Jim's being the father of these children of your own knowledge? A No, sir, no more than what she said.
Q They were never married so far as you know? A No, sir, not as I know of.
Q She lived in Fort Gibson where any number of people lived? A Yes, sir.
Q Both of the mothers of these children lived there? A Yes, sir.
Q Jim was married at that time and had a wife, Nancy? A He lived with Nancy.
Q They were recognized as man and wife in the town there? A Yes, sir.

ROBERT THORNTON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Robert Thornton.
Q How old are you? A 28.
Q What is your postoffice address? A Muskogee.
Q Do you know James Vann who lives at Fort Gibson, a Cherokee freedman? A Yes, sir.
Q Do you know his three children, George, Giptor and Buster Vann? A Yes, sir.
Q How long have you known those children? A Ever since they have been birthed.
Q Do you know the mother of these children? A Poorbear they claim is the mother of George.

Q What was her given name? A I don't know.
Q Where does she live? A Fort Gibson.
Q Is she a white woman? A No, sir, Indian.
Q Cherokee Indian? A Yes, sir.
Q She is the mother of George? A Yes, sir.
Q Where was George born? A Over there in the bottom where Jim Vann is living.
Q Where has he lived ever since his birth? A Right down there in the bottom with Jim.
Q With Jim all the time? A Yes, sir.
Q Never did live with his mother? A No, sir, she give him to him when he got up so he would eat.
Q How old is he now? A I don't know exactly, about 16 or 17 years old.
Q Who is the mother of Giptor and Buster? A A lady called Georgia.
Q Georgia what is her name? A Just tell you the truth I don't know what her other name was; I always knower by Georgia.
Q Was she a citizen of the Cherokee Nation? A No, sir.
Q Where were these children, Giptor and Buster born? A Down there in the bottom on Jim's place.
Q Near Fort Gibson? A Yes, sir.
Q Where have they lived since birth? A In the bottom there with Jim Vann.
Q Where does their mother live? A I don't know.
Q They never have lived with her? A No, sir, Jim has raised them and has them yet.

By Mr. Davenport:
Q Where were you living when this last child was born? A Near John Leander's.
Q Where is that? A On Ranger greek.
Q How far from Fort Gibson? A About ten miles.
Q You are what age now? A About 28 years old.
Q You were about 14 then when the last boy was born? A As near as I can get at it.
Q Jim and this woman were married, were they? A I couldn't say.
Q Was he ever married to either one of these women? A I don't know.
Q He had a wife living at the time, didn't he? A A woman named---
Q Nancy? A I believe thats right.
Q The same woman he had all the time up to a year or two ago when they separated, isn't it? A Yes, sir.
Q These women, did they live in the house with Jim? A They lived on the place there; he had two places; one lived with him and the other on the other place.
Q How long did one live with him? A I don't know exactly.
Q You know the women lived in that country and are supposed to be the mothers of these children? A Yes, sir.
Q You don't know who the father of them are of your own knowledge? A No, sir.

Commission: It appears from an examination of the Commission's records that Fanny Poorbear is listed for enrollment as a Cherokee by blood on Cherokee straight card No. 6150 and that her name appears upon the final roll of Cherokee citizens, approved by the Secretary of the Interior, opposite No. 14651.

It further appears that the name of William Clark, son of Fanny Poorbear, has been listed for enrollment as a Cherokee by blood on Cherokee card No. 9661, and that his name appears on the finall roll of Cherokees by blood, approved by the Secretary of the Interior, opposite No. 21801.

The name of Avis Poorbear, or Watson, the alleged mother of the

child, George Vann, cannot be identified either upon the 1880 authenticated roll or upon the Commission's records of persons who have applied for enrollment.

o-o-o-o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this the 20th day of July, 1904.

Charles D Sampson

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

G.T.M.C.

In the matter of the application for the enrollment of George Vann, et al., as Cherokee Freedmen, consolidating the applications of--

George Vann, Cherokee Freedmen D-173,
Giptor Vann et al., Cherokee Freedmen R- 66.

DECISION.

The record herein shows that on April 20, 1901, James Vann appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of himself and his minor children, George, Giptor and Buster Vann, as Cherokee Freedmen. The said James Vann is classified differently from the said George, Giptor and Buster Vann, and will not be embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 1, and June 28, 1904.

The evidence shows that one James Vann is the father of the applicants herein; that the said James Vann has continuously resided in the Cherokee Nation since birth and is identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896; and that the said James Vann is included in a partial roll of Cherokee Freedmen, (No. 2825), approved by the Secretary of the Interior, April 30, 1904.

The evidence further shows that the applicants herein were born since 1880 and have continuously resided in the Cherokee Nation since birth.

It is, therefore, the opinion of this Commission that George Vann, Giptor Vann and Buster Vann, should be enrolled as Cherokee Freedmen in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

C. R. Breckinridge,
Commissioner

Muskogee, Indian Territory,
this JAN 10 1905

Cherokee Freedmen #1434

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, OKLAHOMA, NOVEMBER 2, 1909.

In the matter of the application for the enrollment of George Vann as a freedman citizen of the Cherokee Nation; said Vann being first sworn by Notary Public, J. L. Gary, and examined, testified as follows:

BY W.S.D.MOORE, ON BEHALF OF COMMISSIONER:

Q What is your name? A George Vann.
Q What is your age? A 21.
Q What is your postoffice? A Postoffice?
Q Your postoffice Address? A Fort Gibson.
Q Are you a Cherokee Freedman? A Yes sir.
Q What is your father's name? A Jim Vann.
Q What is your mother's name? A Avis Vann.
Q Are both of your parents living? A Yes sir.
Q Who filed for you? A My father.
Q Where is your land? A Down in the bottom.
Q Near what place? A Near Arkansas River.
Q Near what town? A Fort Gibson.
Q Have you any brothers and sisters? A Yes sir, half brothers and sister, five.
Q What are their names? A One named Gippy Vann, Buster Vann, Leonard Vann, Hazel Vann and Dan Vann.
Q They are your half brothers and sister? A Yes sir.
Q Did you have a contest over part of your allotment? A No sir.
Q Who applied for your enrollment, do you know? A My father.
Q Your enrollment as a girl was a mistake, wasn't it? A Yes sir.

Fannie Poorbear, being first sworn by J. L. Gary, and examined, testified as follows:

Q What is your name? A Fannie Poorbear.
Q What is your postoffice address? A Fort Gibson.
Q Are you related to George Vann? A His grandmother.
Q Do you know that this George Vann who has just testified is the same person that is enrolled as a Cherokee Freedman, a child of James and Avis Vann, and who has an allotment in Section 24, Township 15 North, Range 19 East, near Fort Gibson? A Yes sir.
Q Have James and Avis any other children? A No sir.
Q Has James Vann a girl near the age of George or not? A I don't know.
Q How long have you known them? A I have known them all my life.
Q Never knew him to have a girl near his age? A No, I know he hasn't.
Q He has no girl who might have been enrolled under the name of George? A No sir.

WITNESS EXCUSED.

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of her stenographic notes thereof.

Louise Smith

Subscribed and sworn to before me this November 3, 1909.

My commission expires March 21 1912.

J. F. McCurdy

Notary Public.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. George Vann,
Ft. Gibson, I.T.

Cherokee F-D-173
Register.

Cherokee Freedmen
D 173

Muskogee, Indian Territory, January 23, 1904.

James Vann,

Fort Gibson, Indian territory.

Dear Sir:

In the matter of your application for the enrollment of your minor child, George Vann, as a Cherokee Freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the date of your return to the Cherokee Nation after the war of the rebellion, and as to your residence since that time.

You are, therefore, directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday March 1, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 173

Muskogee, Indian Territory, January 23, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of James Vann for the enrollment of his minor child, George Vann, as a Cherokee Freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the date James Vann returned to the Cherokee Nation after the war and as to his residence since that time.

The said James Van has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday March 1, 1904, and introduce testimony as above requested. The Cherokee Nation will be permitted to appear on that date and introduce testimony in rebuttal of that requested of the applicant.

Respectfully,

Commissioner in Charge.

Cher. Freedmen
D-173
M--66.

Muskogee, Indian Territory, June 11, 1904.

James Vann,

Fort Gibson, Indian Territory.

Dear Sir:

In the matter of your application for enrollment of your minor children, George, Gipper and Buster Vann, as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that you introduce additional testimony as to the residence of these children since their birth, it being shown from your former testimony that you were not married to their mothers.

You are, accordingly, hereby, directed to appear before the Commission, at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, June 28, 1904, and introduce testimony as above indicated.

Respectfully,

Chairman.

Cher. Freedmen
D-173
R--66.

Muskogee, Indian Territory, June 11, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of James Vann, for the enrollment of George, Gippor and Buster Vann as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that there be additional testimony introduced as to the residence of these children since their birth, it being shown from the former testimony of the father that he was not married to their mothers.

The applicant has, therefore, this day, been directed to appear before the Commission, at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, June 28, 1904, and introduce testimony as above indicated.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Chairman.

COPY.

Cherokee Freedman
D-173.
R-66.

Muskogee, Indian Territory, January 10, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 10, 1905, granting the applications for the enrollment of George, Giptor, and Buster Vann as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

(SIGN) Tams Bixby.
Chairman.

Encl. L-89.

Muskogee, Oklahoma, November 3, 1909.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to bring to the attention of the Department the case of George Vann, who is enrolled as a Cherokee Freedman opposite No. 2917 on the roll of Cherokee Freedmen, and who appears as a female on said roll.

There is inclosed herewith the record in the matter of the application for his enrollment, together with testimony recently taken from him and from his grandmother, from which it is clearly seen that his enrollment as a female is in error.

I have, therefore, the honor to request departmental authority to erase the letter "F" appearing in the sex column of the approved roll of Cherokee Freedmen opposite the name of George Vann, No. 2917, and to substitute therefor the letter "M".

Respectfully,

WSM:M(LS)
Incl. LS-21.

Commissioner.

Through the Commissioner
of Indian Affairs.

C O P Y

D C

1-43608

Land-
Population
88643-1909
J E D

DEPARTMENT OF THE INTERIOR, WRL 2
OFFICE OF INDIAN AFFAIRS, JFA
WASHINGTON. CRW
WHG

Designation
of sex.

Dec. 6, 1909.

The Honorable

The Secretary of the Interior.

Sir:

There are transmitted herewith letters of November 3 and 27, 1909, from the Commissioner to the Five Civilized Tribes, relative to an error in the final approved roll of Cherokee Freedmen in the designation of the sex of George Vann, whose name appears opposite No. 3919 on the above mentioned roll.

As it appears from the inclosed record that he should be designated as a male, the Office recommends that on the final approved roll of Cherokee Freedmen the letter "F" in the sex column opposite his name be erased and that the letter "M" be substituted therefor.

It is further recommended that this Office and the Commissioner to the Five Civilized Tribes be authorized to make a similar correction on the copies of the roll in their possession.

Very respectfully,

R. G. Valentine,

Commissioner.

WEA-2-6358

Dec. 7, 1909
Approved:
Frank Pierce,
First Assistant Secretary W C P

1-41217 1 WRL

D C 2130-1909
Land-
Population
88643-1909
J E D

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, WHG

DEC 14 1909

Correction in
Cherokee Freedmen Roll.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Referring to your letters of November 3, and 27, 1909, relative to an error on the final approved roll of Cherokee freedmen, in the designation of the sex of George Vann, whose name appears opposite No. 3917 thereon, you are advised that the Department on December 7, 1909, authorized the substitution of the letter "M" in place of the letter "F" on said roll in the sex column, opposite the name of the person above mentioned.

A copy of approved Office letter of December 6, 1909, is transmitted herewith for your information and guidance.

Very respectfully,

(Signed) C.F.Hauke
Chief Clerk.

GNK-10
6524

Cher Fr 1435

Trans. from Cher Fr D145

Cher Fr 1435

RECEIVED
APR 25 1901
ATTNS CHARM

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 22d, 1901.

In the matter of the application of James Mackey for enrollment as a Cherokee Freedman; said Mackey being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A James Mackey.
Q How old are you? A 51.
Q What is your post office? A Muskogee.
Q In what district do you live? A I am nearly anywhere, ride all the time running cattle.
Q Do you call any particular place your home? A No, I am at work
Q When you vote where do you vote? A I vote here.
Q Fort Gibson? A Illinois district.
Q You call that your home? A Yes, sir.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A No, sir.
Q How long have you lived in the Cherokee Nation? A Born and raised here.
Q Give me the name of your father? A George.
Q Is he dead? A Dead, yes.
Q How long has he been dead? A Oh, ever since I was a small boy.
Q Give me the name of your mother? A Mariah.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A About 25 years.
Q Have you ever been married? A Yes, sir.
Q Have you a wife that is living now? A Yes, sir.
Q Have you any children? A Yes, sir, but they are all of age.
Q What was your wife's name? A My wife was named Mary.
Q How long has she been dead? A About 16 years.
Q She is with you on the roll of 1880 is she? A No, sir; they would not put me on the roll of 1880.
Q Are you on any of the rolls of the Cherokee Nation? A I am on the Kerns roll, the first roll that was made I was sick and didn't get to attend to it at all.

The 1880 Authenticated roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.
The 1896 Census roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.

The Kerns-Clifton roll of citizens of the Cherokee Nation examined and applicant's name found thereon, page 178, #4373, James Mackey, (no district.)

Q How comes it you are not on the roll of 1880? A I was sick the first time and the next roll there was I was down to Fort Smith attending court.
Q You mean the 1896 roll? A Yes, sir, they excused us that time and when I got here it was too late.
Q Were you a slave in the old time? A Yes, sir.
Q To whom did you belong? A Jim Mackey.
Q Where did he live? A Lived on Illinois River.
Q What was his post office? A I donIt know where his post office was.
Q Who lived in his neighborhood that can locate him? A Looney Hicks, and then that man right there, Mr. Smith, he knows.
Q Mr. Smith? A No, sir, he never lived in the neighborhood.
Q How far from Fort Smith did Jim Mackey live? A About 18 miles.
Q You belonged to him when the war broke out? A Yes, sir.
Q And where did you go with him? A Down to the Choctaw Nation.
Q How long did you stay down there? A Four years.
Q What time did you go down there? A I can't tell just exactly what time it was, I was small, but we came back in October, '66.
Q You came back in October, 1866? A Yes, sir.
Q And have you lived in the Cherokee Nation ever since? A Yes, sir, ever since, until I went off to work.
Q Where did you go off to work? A Over in the Creek Nation to work.

Q You have never been working out of the Indian Territory? A Oh, no, sir.
Q Who here knows that you came back in 1866? A Perry Mackey, I came back with him and John Drew.

PERRY MACKEY, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your full name there? A Perry Mackey.
Q Howold are you? A 54.
Q What is your post office? A Braggs.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Were you a slave in the old times? A Yes, sir.
Q To whom did you belong? A Old Jim Mackey.
Q Do you know this man here, James Mackey? A Yes, sir, we belonged to the same man.
Q Did you and he go out together during the war? A Yes, sir.
Q Down into the Choctaw country? A In the Chickasaw.
Q Did you come back here together? A Yes, sir, we all landed together at Webbers Falls.
Q Are you on the roll of1880? A Yes, sir, every roll that has ever been made here.
Q And you and this man were together when you came back here in 1866, that is so is it? A Yes, sir.
Q What time of the year was it? A Right in October, about the 8th.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and witness' name found thereon, page 558, #1237, Perry Mackey, Illinois District.

BY J. S. DAVENPORT, Cherokee Representative:

Q When did you go out with? A Jim Mackey.
Q When you came back to what point did you come? A Joe Ab Scales'.
Q Was Joe Ab Scales back then? A No, sir, he came back the same fall.
Q Where has Jim been living since he come back here? A About Muskogee, over at Muskogee and back over here.
Q He has not lived any in the Cherokee Nation since he came back? A No more than backwards and forwards; he lived a long time with hisuncle, Mike Fields, and when he left there he has been at Muskogee, he did live over here quite a while.
Q Joe Ab Scales will know when you came back? A I told you he was not right there.
Q I understand you to say Joe Ab Scales came back the same fall you did? A He came back the same fall.
Q He will remember when you came back? A He will remember the Mackey family being there. His mother moved right out from there.

BY COMMISSIONER BRECKINRIDGE:

Q Where did she go? A She was living with Charles Mackey.
Q Where did she go? A Up on Cabin Smith's place.
Q Just moved up in the country? A Yes, sir, right on the river.

JAMES MACKEY, the applicant, re-called, testified as follows:

Q Now, James Mackey, have you ever applied to be enrolled by any other tribe or Nation? A No, sir.
Q When have you worked for mostly over in the Creek Nation? A Mr. Strent .
Q Looking after cattle for him? A Yes, sir, I am rushing mete get back.

Q You have been working in the Creek Nation for wages? A Yes, sir; I am backwards and forwards and while I am not in the Creek Nation running up cattle I am in the Cherokee Nation.
Q Running after them for the same man? A Yes, sir.
Q And he grazes in both Nations? A Yes, sir.
Q Where is his headquarters? A His headquarters is in the Creek Nation.
Q And you followthem over into the Cherokee Nation when they scatter over there? A Yes, sir.
Q Have you ever voted in the Cherokee Nation? A Yes, sir, this is all the place I ever done any voting.
Q Do you generally come over to the Cherokee Nation to vote?
A Sometimes.

BY J. S. DAVENPORT:

Q How long has it been since you voted in the Cherokee Nation?
A I voted in the Cherokee Nation the election, I believe, this last; I voted in the Cherokee Nation I think this last election.
Q Now, you came back down there you say to where William Vann and Joe Ab Scales and Bob Hanks would know when you come back?
A Yes, sir.
Q And they all knew you came back? A Yes.
Q You were living in the Creek Nation in 1880, was not you?
A No, sir.
Q With whom were you liveing in 1880? A With Mike Fields.
Q How long had you been living with him? A I stayed around Webbers Falls about two years and I left there and stayed with my uncle.
Q Did you work on the railroad in about Webbers Falls? A No, sir.
Q Well, was not you along there when it was being built?
A No, sir, I didn't stay there when it was being built; when ithat railroad was being built I was over at Muskogee.
Q Been there ever since, haven't you? A No, I have not.

BY COMMISSIONER BRECKINRIDGE:

Q Anything more you want to say? A No, sir.

COM'R BRECKINRIDGE:--The applicant claims to have lived in the Cherokee Nation all his life except a brief absence during the Civil War. He is identified on the Kerns-Clifton Roll, but not upon the roll of 1880, nor the census roll of 1896. He states that his failure to be upon the roll of 1880 was due to sickness. It is testified by Perry Mackey that he and the applicant came back from the Chickasaw country together at the close of the Civil War and that they had been slaves of the same man, and Perry Mackey is duly identified on the roll of1880. It appears that the applicant has psend a goot part of his life herding cattle in the Creek Nation, and states that he has never votedexcept in the Cherokee Nation. He will now be listed for enrollment as a Cherokee Freedman upon a doubtful card for the further consideration of his case, and for the further consideration of his residence which is desired by the Cherokee representative present.

---ooeOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five civilized Tribes, he correctly recorded the testimony andproceedings in this case, and that the foregoing is a trye and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 25th day of April, 1901.

Commissioner.

VB. 29. 444-

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 2[illegible] 1901

[illegible]
ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 22 1901

Post Office Muscogee

District Ill

1. Name James Mackey Age 57

Owner's name James Mackey Citizenship Intermarr.

Year 1896 Page 178 No. 4373 District (No district)

Parents:

Father George Mackey Citizenship Cat

Mother Mary Citizenship Cat

2. Name of wife Age

Owners name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

		Year	Page	No.	Dist.
3.		Year	Page	No.	Dist.
4.		Year	Page	No.	Dist.
5.		Year	Page	No.	Dist.
6.		Year	Page	No.	Dist.
7.		Year	Page	No.	Dist.
8.		Year	Page	No.	Dist.
9.		Year	Page	No.	Dist.
10.		Year	Page	No.	Dist.
11.		Year	Page	No.	Dist.
12.		Year	Page	No.	Dist.

Application made by [illegible] Stenographer [illegible]

[illegible]

7D145

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
17 1901

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee I.T. Oct 7 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of James [illegible] for enrollment as Freedman of the Cherokee Nation.

Isaac Ana McRea
Commissioner

No. [illegible]

1904
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen D 148.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JUNE 18, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JAMES MACKEY as a Cherokee Freedman.

It appears that on May 19, 1904, the applicant, his attorney, and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission on June 17, 1904, and introduce further testimony in this case touching the points mentioned in said letter. On June 18, 1904, this case coming up for hearing, and the applicant being called fails to put in an appearance; whereupon at the instance of the Commission the case is continued to June 18, 1904. On this June 18, 1904, this case again coming up for hearing, the applicant being called fails to respond, whereupon the following testimony is offered on behalf of the applicant.

APPEARANCES:

Applicant not present in person or by attorney.
Cherokee Nation by its attorneys, W. W. Hastings and L. B. Bell.

JOSHUA ROSS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Joshua Ross.
Q How old are you? A 71 years.
Q What is your postoffice address? A Muskogee, I. T.
Q You are a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Do you know James Mackey, who has applied for enrollment as a Cherokee freedman? A Yes, sir.
Q How old is James Mackey, about? A I think about 55, 54 or 53.
Q How long have you known him? A Since 1866.
Q Do you know who he belongod to before the war? A He belonged to Mrs. Mackey or Jim Mackey, I think.
Q You know he belonged to the Mackey family? A Yes, sir.
Q Were they Cherokee citizens? A Yes, sir.
Q Recognized as Cherokees by blood? A Yes, sir.

(No cross-examination.)

FRANK SMITH, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Frank Smith.
Q How old are you? A 59.
Q What is your postoffice? A Braggs.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Do you know James Mackey who has applied for enrollment here as a Cherokee freedman? A Yes, sir.
Q How long habe you known him? A I have known him a good long time.
Q About when did you first get acquainted with him, did you know him before the war? A Yes, sir.

Q. Was he the slave of a Cherokee citizen before the war? A Yes, sir.
Q Whom did he belong to? A Old man Jim Mackey.
Q Where did Mackey live before the war? A On the Illinois.
Q Jim Mackey was a recognized citizen by blood of the Cherokee Nation? A Yes, sir.

(No cross-examination).

E. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

W M Vance

Subscribed and sworn to before me this the 14th day of July, 1904.

Charles H. Sawyer
Notary Public.

FD145

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. James Mackey,
Muskogee, I.T.
Cherokee F-D-145
Register.

Encl of

INDEXED

COMMISSION TO FIVE TRIBES.			
No. 16496 1905	Received JUN 3 1905	ANSWERED Book	Page

JUN 3 1905

Roll, Muskogee,
Muskogee, I. T.,
May 25, 1903.

Roll of witnesses summoned to give testimony in case of Barry Tucker, Cherokee Freedman.

JUN 1 REC.

JOSHUA ROSS,

Real Estate and Notary Public.

[redacted]

Room 1 [redacted] Building

MUSKOGEE, IND. TER., May 25th 1908.

Hon. Clifton R. Breckenridge,
Chairman Cherokee Land Commission
Tahlequah Indian Territory —

Dear Sir —

When your Gov. Commission is ready to take up the doubtful claims of Cherokee Freedmen — for final decision please summons John Drew of Vinita as witness — and Benj. Mackey of Braggs Indian Territory, witness — They can give the facts — in regard to James Mackey the Cherokee Freedman — They know he came back to the Cherokee Nation in 1865–1866 — that he is a former slave of a Cherokee Indian — and is a citizen of the Cherokee Nation —

Yours, Respectfully —
Joshua Ross.

Cherokee Freedmen
D-145.

Muskogee, Indian Territory, October 17, 1903.

A. S. McRea,

Attorney for James Mackey,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of James Mackey as a Cherokee freedman, you are advised that before a decision can be prepared in that case, further testimony is required tending to show whether or not said James Mackey was the slave of a Cherokee citizen at the commencement of the War of the Rebellion.

The applicant has therefore been directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Monday, November 16, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
TAMS BIXBY
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE
W. E. STANLEY
ALLISON L. AYLESWORTH,
SECRETARY
ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-145.

Muskogee, Indian Territory, October 17, 1903.

James Mackey,

Muskogee, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before a decision can be prepared in your case, further testimony is required tending to show whether or not you were the slave of a Cherokee citizen at the commencement of the War of the Rebellion.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Monday, November 16, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-145.

Muskogee, Indian Territory, May 19, 1904.

A. S. McRea,

Attorney for James Mackey,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application of James Mackey for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether or not his former owner was a recognized citizen of the Cherokee Nation.

The applicant has been, therefore, this day directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, June 17, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-145.

Muskogee, Indian Territory, May 19, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of James Mackey for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether or not his former owner was a recognized citizen of the Cherokee Nation.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on June 17, 1904, and introduce testimony as above requested.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-145.

Muskogee, Indian Territory, May 19, 1904.

James Mackey,

Muskogee, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether or not your former owner was a recognized citizen of the Cherokee Nation.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, June 17, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

COPY

Cherokee Freedman
D-145.

Muskogee, Indian Territory, January 30, 1905.

James Mackey,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 10, 1905, granting the application for your enrollment as a Cherokee freedman.

You are advised that you will not be permitted to make an allotment selection until your name has been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly advised.

Respectfully,

Tams Bixby.
Chairman.

Encl. L-43.

COPY.

Cherokee Freedman
D-145.

Muskogee, Indian Territory, January 30, 1905.

A. S. McRea,

Attorney for James Mackey,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 10, 1905, granting the application for the enrollment of James Mackey as a Cherokee freedman.

Respectfully,

Encl. L-44.

(SIG) Tams Bixby.
Chairman.

Cherokee F.
M. B. 483.

Muskogee, Indian Territory, July 25, 1906.

James Mackey,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of application for the enrollment as a citizen of the Cherokee Nation of Mattie Mackey, born about 15 years ago.

Respectfully,

Commissioner.

LMC

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

MUSKOGEE, IND. TER.
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James Mackey,

Muskogee, Indian Territory.

MUSKOGEE
MAY 24
3 PM
1903

Cher Fr 1436

Trans. from Cher Fr D673 Jan. 31, 1905

Cancelled and record trans. to

Cher Fr R616

Cher Fr 1436

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Cher Fr 1439

Trans. from Cher Fr R69 Feb. 4, 1905

Cher Fr 1439

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nona Ford as a Cherokee freedman.

Cherokee Freedmen N-69.

DEPARTMENT OF THE INT
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APR 29 1901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 29th, 1901.

In the matter of the application of Nona Ford for the enrollment of herself and one child as Cherokee Freedmen; said Ford being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Nona Foreman.
Q How old are you, Nona? A About 20.
Q Is that your name now? A Nona Foreman.
Q What is your post office? A Fort Gibson.
Q What district do you live in? A Tahlequah.
Q Do you apply for enrollment as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled by any other Nation or tribe? A No, sir.
Q Did you ever draw any money from any other Nation or tribe? A No, sir.
Q Who do you want to enroll besides yourself? A Myself and one child.
Q What is the name of your child? A Jackson Ford.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Will Ford.
Q How old is Jackson Ford? A He is about a year old.
Q Is your husband a citizen? A No, sir.
Q What was your father's name? A Harrison Foreman.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Lizzie Johnson.
Q Has she been married since she married your father? A Yes, sir.
Q Is she living? A Yes, sir.
Q Your name is not on the roll of 1880, is it? A No, sir, not as I know of.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and applicant's averred father's name found thereon, page 697, #533, Harrison Foreman, Sequoyah District, with this note: "Said from reliable information, this family is of negro descent."

Q Now was your mother a Cherokee citizen? A Claims to be.
Q What would be her name in 1880, 20 years ago? A I don't know.
Q Where is she? A She is across the river.
Q Was your mother, Lizzie Johnson, living with Harrison Foreman when you were born? A No, sir, she married since.
Q Married Harrison Foreman after you were born? A I don't know.

HARRISON FOREMAN, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Harrison Foreman.
Q What is your age, Mr. Foreman? A I am about 53, I guess.
Q Are you a Cherokee Freedman? A Yes, sir.
Q What is your post office? A Catoosa.
Q Do you know Nona Ford? A Yes, sir.
Q What was her father's name? A Harrison Foreman.
Q You are her father; what was her mother's name? A Lizzie Hornback.
Q Was Lizzie Hornback a Cherokee Freedman? A No, sir.
Q What was she? A State woman.
Q Were you ever married to her? A No, sir.
Q Never lived with her as your wife? A No, sir.

COM'R NEEDLES:--Nona Ford applies for the enrollment of herself and her child, Jackson Ford. She avers that she is the daughter of Harrison Foreman. Now comes Harrison Foreman in person and testifies that she is his daughter by one Lizzie Hornback, a noncitizen, and that he was never married to her, consequently the application of Nona Ford for the enrollment of herself and her child will be rejected. She avers that she is now married to one Will Ford, a noncitizen.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 29th day of April, 1901.

Commissioner.

B. F. B. 69

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 29 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date April 29, 1901

Post Office Ft. Gibson, I. T.

District

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

1 ~~2~~. Name of wife Nona Ford. Age 20

Owner's name Citizenship

Year Page No. District

Parents:

Father Harrison Foreman - ~~Citizenship~~

Mother Lizzie Johnson - ~~Citizenship~~

Names of Children:

2 ~~3~~. Jackson Ford, Year — Page — No. — Dist. — 1

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist

9. Year Page No. Dist.

10 Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by [illegible] Stenographer [illegible]

FILED
APR 5 1904
COMMISSION TO FIVE TRIBES.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 4, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of NONA FORD for the enrollment of herself and child as Cherokee freedmen.

It appears that on February 25, 1904, the applicant and the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on April 4, 1904, and then and there to introduce further testimony touching matters stated in said letter.

APPEARANCES:
Applicant appears in person.
Cherokee Nation by its attorney, W. W. Hastings.

NONA FORD, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Nona Ford.
Q How old are you? A 23
Q What is your postoffice address? A Fort Gibson.
Q You claim right to enrollment as a Cherokee freedman? A Yes, sir.
Q What is your father's name? A Harrison Foreman.
Q What is your mother's name? A Lizzie Johnson.
Q Are they living? A Yes, sir.
Q Where were you born? A Sequoyah District.
Q Cherokee Nation? A Yes, sir.
Q Were your parents living in Sequoyah District at that time?
A Yes, sir.
Q How long did you and they continue to live there after your birth?
A I don't know exactly how long.
Q So far as you do know? A I don't know.
Q When you first remember where were you living? A I don't know how long we stayed down there; we come to Fort Smith.
Q And stayed there how long? A About a year, I reckon.
Q Fort Smith, Arkansas? A Yes, sir.
Q Then where did you go? A Tahlequah District.
Q You have been there ever since? A Yes, sir.
Q Never lived out of the Cherokee Nation since? A In the Creek Nation a while and then in the Cherokee Nation.

SY JOHNSON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Sy Johnson.
Q How old are you? A 42.
Q What is your postoffice? A Melvin, I. T.
Q You claim right to enrollment as a Cherokee freedman? A Yes, sir.
Q Do you know this girl? A Yes, sir.
Q Nona Ford? A Yes, sir.

Q How long have you known her? A Ever since she was a child.
Q Who was her father? A Harrison Foreman.
Q Mother? A Lizzie Johnson.
Q Are they Cherokee freedmen? A Don't know about her mother; her father is.
Q Do you know where this girl was born? A Born in Sequoyah district.
Q Do you know where she has lived since birth? A In Sequoyah district and then up here about Wagoner two or three months and then back to the Cherokee Nation.
Q Has she lived with her father since birth, do you know? A She stayed with him a while, yes, sir, backwards and forwards with her father and mother until she married.
Q Has she lived outside of the Cherokee Nation? A No, sir.
Q Has she ever been out? A No further than Wagoner.

CHARLEY THOMPSON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Charley Thompson.
Q How old are you? A 36 or 37.
Q What is your postoffice address? A Fort Gibson.
Q You claim right to enrollment as a Cherokee freedman: A Yes, sir.
Q Do you know Nona Ford? A I do.
Q How long have you known her? A Ever since she was nursing her mother's breast.
Q Where was she born? A In Sequoyah district.
Q Where has she lived since that time? A She moved from there up here in the Cherokee Nation and went from there to Wagoner and from Wagoner back to the Cherokee.
Q What was her father's name? A Harrison Foreman.
Q Her mother's name? A Lizzie Johnson.
Q Are they Cherokee Freedmen? A Harrison is; I don't know about her mother whether she is all right or not.
Q You have never known of this girl's living out of the Cherokee Nation since her birth? A No, sir.
Q You have known her all the time? A All the time, yes, sir.

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H. L. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H L Vance

Subscribed and sworn to before me this the 5th day of April, 1904.

Charles T Geiger
Notary Public.

Cherokee Freedmen R-69.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nona Ford and Jackson Ford as Cherokee Freedmen.

D E C I S I O N.

The record in this case shows that on April 29, 1901, Nona Ford appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself, and her son Jackson Ford, as Cherokee Freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on April 4, 1904.

The evidence shows that Nona Ford is the daughter, born since 1880, of one Harrison Foreman, who is identified on the Cherokee authenticated tribal roll of 1880. It is further shown that Jackson is her minor son, and that they have both lived in the Cherokee Nation all their lives.

It is, therefore, the opinion of this Commission that Nona Ford and Jackson Ford should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this JAN 16 1905

Cherokee Freedmen
R 69

Muskogee, Indian Territory, February 25, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Nona Ford, et al., as Cherokee Freedmen you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the residence of said Nona Ford since her birth.

The said Nona Ford has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday April 4, 1904, and introduce testimony as above requested.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R 69

Muskogee, Indian Territory, February 25, 1904.

Nona Ford,

Fort Gibson, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and your minor son, Jackson Ford, as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to your residence in the Cherokee Nation since your birth.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday April 4, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedman
R 69

Muskogee, Indian Territory, January 16, 1905

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation.

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 16, 1905, granting the application for the enrollment of Nona Ford and her minor child, Jackson Ford, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tams Bixby
Chairman

Encl. B 95

COPY.

Cherokee Freedmen

R-69.

Muskogee, Indian Territory, February 5, 1906.

Nona Ford,

Fort Gibson, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 16, 1906, granting the application for the enrollment of yourself and your minor child, Jackson Ford, as Cherokee freedmen.

You are advised that you will not be permitted to make allotment selections until your names have been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Incl. S-20.

SIGNED. Tams Bixby.
Chairman.

Cher Fr 1440
Trans. from Cher Fr D 1130

Cher Fr 1440

1

1

a.8.m.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Robert Thornton as a Cherokee Freedman.
Cherokee Freedman D-1130.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 1st, 1902.

In the matter of the application of Robert Thornton for the enrollment of himself as a Cherokee Freedman.

Appearances:

Applicant appears in person.
Cherokee nation by W. W. Hastings.

ROBERT THORNTON, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Robert Thornton.
Q. How old are you? A. 28.
Q. What is your post office address? A. Muskogee now.
Q. Do you apply for enrollment as a Cherokee freedman?
A. Yes, sir.
Q. What is the name of your father? A. Seymore Thornton.
Q. Is your father living? A. No, sir; he is dead.
Q. What is the name of your mother? A. Rachel Graves.
Q. Is she living? A. She is living.
Q. Is she a Freedman or state woman? A. She never did prove her rights up.
Q. Was your father a Freedman? A. Yes, sir.
Q. Who did your father belong to? A. Thornton.
Q. Do you apply for any one besides yourself? A. No, sir.
Q. Where were you born? A. Fort Gibson.
Q. Where have you resided since your birth? A. Right here in the Cherokee nation.
Q. Have you always lived in the Cherokee nation? A. Yes, sir.
Q. Have you ever been out? A. No, sir.
Q. You mean by that you never been out of the territory?
A. Yes, sir.
Q. Are you sure as to your age? A. I am partly guessing at it/
Q. Are you as old as 28? A. I guess so. The last enrollment I was 22.
Q. Who is Nancy Thornton? A. That is my grandmother.
Q. Who is Sylvia? A. She is my aunt.
Q. Have you any brothers? A. Yes, sir, Dick Graves.
Q. Have you any sisters? A. Alice and Sade.
Q. Younger or older than you? A. Older than I am.
Q. Both older? A. Yes, sir.

✓ Kerwin-Clifton roll examined and the name of the applicant is identified thereon, page 155, #3830, Robert Thornton, Illinois district.

Q. Were you enrolled on the Wallace roll? A. Why my mother enrolled me on the Wallace roll as Robert Graves.
Q. Have you a brother named Jim? A. Yes, sir.

✓ Wallace roll examined and the name of the applicant is identified thereon, page 115, #2427, Robert Graves, Illinois district.

Q. When did your father die? A. I don't know, sir, exactly. He got killed.
Q. About how long ago was it been? A. Actually I couldn't tell you.
Q. Were you small? A. Yes, sir.
BY Mr. Hastings:
Q. Were you a baby when your father got killed? A. That is what my mother says. I don't know sir.

By the Commission:
Q. Do you remember your father? A. No, sir.

Examination by Mr. Hastings.
Q. Who killed your father? A. Henry Scales.
Q. Was he tried for it? A. Yes, sir.
Q. Where? A. Tahlequah.
Q. Are you married? A. Yes, sir.
Q. Marry a Creek? A. Cherokee. Vann's daughter. You know him.
Q. Is she enrolled? A. Yes, sir.

RACHEL GRAVES, being duly sworn testified as follows:
Examination by the Commission.
Q. What is your name? A. Rachel Graves.
Q. How old are you? A. I don't know, sir, how old I is.
Q. Where do you live? A. I live in Muskogee now.
Q. Are you the mother of Robert Thornton. A. Yes, sir.
Q. About how old is he? A. I couldn't tell you how old he is. He was born at Fort Gibson close to Mr. Nash's.
Q. Where has he been living? A. At Four Mile Branch.
Q. In the Cherokee nation? A. Yes, sir.
Q. Has he ever been outside of the Indian Territory since he was born? A. Nom sir.
Q. What was his father? A. He was a Freedman.
Q. Cherokee Freedman? A. Yes, sir.
Q. Who did he belong to. A. Mr. Lewis Thornton.
Q. Was Mr Thornton a Cherokee? A. Yes, sir.
Q. Did you know his father when the war broke out? A. No, sir; I didn't know him until after peace was made.
Q. How long after peace was made? A. About a year after peace was made.

Examination by Mr. Hastings.
Q. You never knew him until two or three years after peace was made? A. Yes, sir.
Q. Then what you testify to is hearsay? A. His Granny said he belonged to Thornton.
Q. You didn't know yourself? A. No, sir.

Robert Thornton applies for the enrillment of himself as a Cherokee Freedman. He is not identified on the roll of 1880 or the census roll of 1896. He avers that he has lived in the Cherokee nation all his life and by reason of the fact that he is not identified on the roll of 1880 final judgment will be suspended and his name placed on a doubtful card.

Jesse O. Carr, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 16 day of July, 1902.

J. F. Reuter
Notary Public.

COMMISSION TO [illegible] VILIZED TRIBES

FILED

JUN 1 1902

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 1st 1902

Post Office Muskogee I.T.

District

1. Name [illegible] Age 28

Owner's name

Citizenship

Year [illegible] Page 155 No. 3030 District [illegible]

Parents:

Father [illegible] Citizenship

Mother [illegible] Citizenship

2. Name of wife

Age

Owners name

Citizenship

Year Page No. District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by

Stenographer

FILED
APR 1904
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen D 1130.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 9, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of Robert Thornton for enrollment as a Cherokee freedman.

It appears that on the 23rd day of January, 1904, the applicant and the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on March 1, 1904, and then and there to introduce further testimony touching the matters stated in said letter. And upon request of the attorney for the applicant the case was continued until this the 9th day of April, 1904.

APPEARANCES:

Applicant appears in person and by attorney, S. M. Rutherford.

Cherokee Nation by its attorney, W. W. Hastings:

SYLVIA THOMPSON, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Sylvia Thompson by marriage and Sylvia Thornton by owner.

Q How old are you? A I don't know; over 50, I guess.

Q What is your postoffice address? A Fort Gibson.

Q Do you claim to be a Cherokee freedman? A Yes, sir, I do.

Q Do you know Robert Thornton? A I know Seymore Thornton and I know Robert Thornton.

Q What is the name of Robert Thornton's father? A Seymore.

Q What is the name of his mother? A Nancy Thornton.

Q Were both of his parents slaves of Cherokee citizens before the war? A Yes, sir, belonged to Amos Thornton.

Q Both of them? A Yes, sir.

Q What relation are you to Robert Thornton? A I am Robert Thornton's aunt. Seymore Thornton is my full brother; one mother and one father.

Q Was Seymore Thornton taken out of the Cherokee Nation during the war? A No, sir.

Q In what part of the Cherokee Nation did he live? A Fort Gibson, Illinois district.

Q Is he dead now? A Yes, sir.

Q How long has he been dead? A I don't know, sir, I can't read and write. I think it is near about thirty year.

Q Was he older or younger than you? A He was older.

Q How much older? A I don't know that, either, how much older.

Q So far as you know did he ever live outside of the Cherokee Nation? A No, sir.

By Mr. Rutherford:
Q What is your knowledge on that point, now, about Seymore Thornton's ever living out of the Territory, did he ever leave?
A No, sir.
Q Did he leave during the war? A No, sir.
Q Did you? A No, sir.
Q Where did you live during the war? A Fort Gibson.
Q You say you don't know how old your brother is? A No, sir, I don't know how old I am.
Q Was he older than you? A No, sir.
Q Who did you live with during the war? A With my mother and father, and he did, too.
Q Right in Fort Gibson? A Yes, sir.
Q And none of your left the Territory during the war? A No, sir.
Q Nor after the war? A No, sir, he was killed right in Fort Gibson.
Q Were the soldiers there then? A When he was killed?
Q Yes. A No, sir, yes, I believe they were.
Q They were? A Yes, sir.
Q And you know of your own knowledge that he never ~~kiss~~ left the Territory either during or after the war? A No, sir.
Q Where was he in the year of '66? A He was in Fort Gibson.
Q You say you are a sister of Robert Thornton's father? A I am a sister to Seymore Thornton.
Q An aunt of Robert's? A Yes, sir, both one mother and father.
Q Did you know Amos Thornton? A Yes, sir.
Q Where did they live? A Right in Gibson, old birth home is right there.
Q Were they Cherokees? A Yes, sir.
Q Has Robert Thornton ever had any other name that you know of?
A He went by his stepfather's name a while, Robert Graves, or Gray, called him Gray, his stepfather's name a while.
Q What was his stepfather's name? A Thomas Graves.
Q How old are you? A I don't know; I know I am over 50.
Q You know that Robert Thornton, here, is the son of Seymore Thornton, and that Seymore Thornton was owned by Amos Thornton, a Cherokee? A Yes, sir.
Q In Fort Gibson? A Yes, sir.
Q Lived there from the time he was born until he was killed? A Yes, sir.

By Mr. Hastings:
Q Did Seymore Thornton ever join the army? A No, sir, my father was---
Q You just answer my question, did Seymore ever join the army?
A No, sir.
Q Never? A No, sir.
Q And Seymore Thornton wasn't taken south by his master? A No, sir, his master went north.
Q Is Lewis Thornton still living? A No, sir, he is dead.
Q When did he die? A I don't know; been; I don't know.
Q Since this application was made wasn't it? A Yes, sir.
Q Do you know whether Seymore Thornton ever lived with Robert Thornton's mother as husband and wife? A Yes, sir.
Q Were they living together as husband and wife when Robert was born? A Yes, sir, they were living together, but another woman come betwixt them.
Q What year is this? A I don't know.
Q You don't know one year from another, do you? A No, sir.
Q You don't know which year comes firt and which next, do you?
A ~~Ke~~ No, sir.
Q Was Seymore Thornton a son of Nancy Thornton? A Yes, sir.

Q You say now he was never out of the Cherokee Nation? A No, sir, so far as I know.
Q He never wnet out during the war at all? A No, not as I know of.
Q Wouldn't you have known it if he had? A Yes, sir, I would have known it, and we were right there.
Q Stayed there all the time? A Yes, sir, my father was a Thornton--
Q Did Seymore Thornton stay there all the time? A Yes, sir.
Q What became of Amos Thornton, his master? A He is dead.
Q Died before or after the war? A After the war.
Q Did you stay with him during the war? A We stayed by ourselves; we stayed there with our old mistress, Minerva Vann's mother---
Q Is she living? A No, she died about two months ago, not quite two months.
Q I want to know why it is that Robert didn't bring in Lewis Thornton or Mrs. Canone Vann while he was at Fort Gibson, to prove this case?

Objected to by attorney for applicant, because witness couldn't know what actuated Robert Thornton in preparing this case for trial, nor did she know anything about this case until she was summonsed as a witness.

Commission: Objection will be noted and witness will answer the question.

A Way, his grandma went before the Commission with him at Fort Gibson, and I don't know who else.
Q Who was his grandmother? A She is dead; she was Nancy Thornton.
Q You didn't go before the Commission at Fort Gibson in his behalf?
A I wasn't called on.
Q Would you swear positively that Seymore Thornton wasn't out of the Cherokee Nation during the war or since? A I would swear it till I dropped dead, yes, sir.
Q How long was it after the war before Seymore was killed? A A good while after the war; I don't know exactly.
Q 10 or 15 or 20 years? A I guess longer than that.
Q About how old was this boy when his father was killed? A Just a baby.
Q He was born, was he? A Yes, sir, he was born.
Q Always went by the name of Thornton? A He went by the name of Robert Graves, sometimes.

SARAH THOMPSON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Sarah Thompson.
Q What is your age? A I can't tell exactly.
Q About how old? A Can't tell; we was here before the war.
Q 65 or 70? A Yes, sir, about, I guess.
Q What is your postoffice address? A Fort Gibson.
Q Do you claim to be a Cherokee freedman? A I don't claim it, I am one.
Q Do you know Robert Thornton? A Yes, sir.
Q Do you know his father? A Yes, sir.
Q What was his name? A Seymore Thornton.
Q Was he a Cherokee freedman? A Yes, sir.
Q Who did he belong to? A Amos Thornton.

Q Where did he live before the war? A Who, Amos Thornton?
Q Yes. A Lived in Fort Gibson all the while I knowed him.
Q Was Seymore Thornton taken out of the Cherokee Nation during the war? A Not as I know of; I don't think he was.
Q Did you know him before the war? A No, sir, didn't think he was born before the war?
Q Seymore Thornton? A Didn't know him before the war; I knew him directly after the war.
Q How long after? A Can't tell, for I have got no learning.
Q You have no idea now, how long after the war it was? A Directly after; I was living right there in Fort Gibson.
Q Since the time you first got acquainted with him up until the time he died, where did he live? A In Fort Gibson.

By Mr. Rutherford:
Q Were Seymore Thornton and Rachel living together as man and wife when you knew them after the war? A I don't know.
Q Where did you live before the war? A I belonged to Sam Taylor and lived at BraggStation.
Q When did you move to Fort Gibson after peace was declared, we moved to Braggs Station and lived there till about, well, about three year after peace was declared, and about 15 or 16 year ago we moved back.
Q Did you know who Seymore Thornton belonged to? A Old man Thornton.
Q Which one? A Amos Thornton.
Q Do you know Rachel? A Yes, sir.
Q How long have you known her? A I didn't get acquainted with Rachel for a good while after peace was declared. She lived four mile from Fort Gibson on the Four Mile Branch.
Q Can you give any idea about the first time you remember seeing Seymore Thornton? A No, sir, I can't.
Q Do you know anything about how old Robert Thornton is? A No, sir, I don't.
Q How do you know that Robert is a son of Seymore? A I just know what his mammy said. She says it is her son.
Q It is understood there in the neighborhood that Rachel was the wife of Seymore? A I don't know; I can't say that and tell the truth for I don't know. I know it is understood that she was Robert's mother, and Nancy Thornton---
Q And that Seymore was his father? A Seymore was his father; at least he is claimed to be.

By Mr. Hastings:
Q Auntie, they were living together were they? A I don't know.
Q Why don't you know? A I wasn't living right in Fort Gibson.
Q You don't know, then, when Robert was born? A No, sir.
Q You don't know whether they were living together as husband and wife? A No, sir.
Q Did you hear they were living together or did you hear that this is an illegitimate child? A When I got acquainted with Seymore he was a young man; we used to ride around together and go--said this boy was Rachel Graves' son.
Q How big was this boy when you first knew him? A Just so high.
Q 4 or five years old? A Older than that.
Q 7 or 8? A I guess so, by his size.
Q Seymore was dead, then, wasn't he? A Yes, sir, killed.
Q You never saw this boy until after Seymore was killed? A No, sir.
Q You never saw Seymore Thornton at any time when he was living with this boy's mother? A No, sir, for I was on Greenleaf, 15 miles from Fort Smith.

Q How long after the war did you see Seymore Thornton the first time? A About three year, and then we moved to Braggs Station and back.
Q You never saw him before the war? A No, sir.
Q You saw him, then, about three years after the war for the first time? A Yes, sir.

By Mr. Rutherford:
Q Where did you live? A Sam Saylor lived about Brushy Mountain, and then went South.
Q Did you go South? A Yes, sir, below Webbers Falls and then back around up close to Neosho and back to Fort Gibson.
Q Then you found Seymore Thornton there when you got back? A No, we moved----
Q To Greenleaf? A No, not right away.
Q What year, I want to know how soon you got back to Gibson after peace was declared? A From where?
Q You say you came from the South? A No, I said my owner went below Webbers Falls, and we run off and went around by Mayes' prairie and close to Neosho and back to Fort Gibson.
Q When did you get back, before peace? A Yes, sir.
Q War still going on? A Yes, sir.
Q You don't know what year that was? A No, sir.
Q Did you meet Seymore Thornton as soon as you got to Gibson? A No, sir.
Q How long had you been there before you knew him? A Don't know exactly, for I aint got a bit of learning, when I come up my kind wasn't allowed to go to school.
Q Did you know of Seymore Thornton's being there at that time? A No, sir, I didn't hear of him until I seed him and got acquainted with his grandmother.
Q When did you get acquainted with his grandmother? A I can't tell.
Q As soon as you got back to Fort Gibson? A No, sir.
Q You don't know where Seymore was and this woman that just testified? A Sylvia was with her mammy, living right around there.
Q Where was Seymore? A Seymore was doing the same. When I got acquainted with them these children were grown.
Q What I am trying to get at, you say you got acquainted with Nancy Thornton soon after you came to Fort Gibson? A Yes, sir.
Q Where was this woman Sylvia Thompson? A Aroun her mammy.
Q Where was Seymore? A I guess he was around there, too, I don't know.
Q Why do you remember the one more definitely than the other? A Because I was more acquainted with Sylvia than Seymore.
Q You were with Sylvia and didn't see Seymore so often? A I used to ride around with him.
Q Are you able to say whether Seymore was there at the time you got acquainted with Sylvia? A No, sir.
Q Are you able to say that Sylvia was there? A She was there.
Q Were the soldiers there? A Yes, sir.

By Mr. Hastings:
Q The soldiers stayed there until about ten years ago, didn't they? A I don't know nothing about that.
Q Don't you know they vacated that Post about 1890? A I don't know.

RACHEL GEAVES, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Rachel Graves.
Q How old are you? A I don't know.
Q Well, about how old are you? A I don't know.
Q Do you have any idea? A No, sir.
Q Are you 15 or a 100 years old? A I couldn't tell.
Q What is your postoffice address? A Muskogee.
Q Do you know Robert Thornton? A He is my son.
Q What was the name of his father? A Seymore Thornton.
Q How old is Robert Thornton? A I don't know; I never kept no record.
Q Were you the slave of a Cherokee citizen? A My mother was.
Q Was Seymore Thornton the slave of a Cherokee citizen? A Yes, sir, Thornton.
Q Who did Seymore Thornton belong to? A Thornton.
Q What Thornton? A I forgot.
Q Do you know this of your own knowledge, that Seymore was the slave of a Cherokee citizen? A Yes, sir.
Q Where did he live before the war? A Fort Gibson, at least his mother said he did.
Q You don't know this? A No, sir.
Q Did you know Seymore Thornton before the war? A No, sir.
Q When did you first get acquainted with him after the war? A I couldn't tell you when.
Q After the war was over? A Yes, sir.
Q About how long? A Couldn't tell you; don't know; kept no record and don't know.

By Mr. Rutherford:
Q You say you are the mother of Robert Thornton? A Yes, sir.
Q He is the son of Seymore Thornton? A Yes, sir.
Q You and Seymore were living together as husband and wife? A Yes, sir.
Q And he was born of that union? A Yes, sir.
Q You didn't know Seymore Thornton until after the war? A No, sir.
Q How long had you known him when you married? A A good little bit.
Q Was the war still going on when you first met him? A No, sir.
Q Was it after the war when you met him? A Yes, sir.
Q Where did you first meet him? A I got acquainted with him at his mother's.
Q Where? A Fort Gibson.
Q You don't know of your own knowledge who he belonged to before the war, then, he was free when you knew him? A Yes, sir.
Q Then you don't know of your own knowledge who he belonged to before the war? A Only just going on what Mr. Thornton and his mother said.
Q Where were you born? A In Cincinnatti.
Q Arkansas? A Yes, sir.
Q How old was Robert when his father was killed, hog big? A He was about that high (indicating) just standing by a chair.
Q Just a baby? A Yes, sir.
Q And you say he is the son of Seymore Thornton? A Yes, sir.
Q Your husband? A Yes, sir.
Q Has Robert been known by any other name? A He went by his stepfather's name.
Q What was that? A Graves after I married again.
Q Robert Graves? A Yes, sir.
Q How long did he live with Robert's father? A I don't know.

Q Two years? A All of two years, I had two children by him.
Q What is the other's name? A Johnnie.
Q Is he living? A No, sir, he's dead.
Q Have you any other children, by Graves? A No, sir.
Q Is this the only child you have got living? A I got another one at Fort Gibson.
Q That is not Thornton's child? A No, sir.
Q What name does it go by? A Its stepfather's name.
Q Graves? A Yes, sir.
Q How old is he? A I don't know.
Q Younger than Robert? A Yes, sir.
Q What is his name? A Jimmie.
Q Do you know Amos Thornton? A Yes, sir.
Q Where was he living? A Out in the country from Fort Gibson.
Q About how far? A Couldn't tell you.

By Mr. Hastings:
Q Did you ever have any children before you saw Seymore Thornton? A No, sir.
Q You and Seymore were never married by a preacher? A No, sir, the Indians didn't marry then.
Q This boy was born since the war? A Yes, sir.
Q You never were married by a marriage ceremony at all to Seymore? A No, sir.
Q You just had these children by him? A Yes, sir, asked the old folks and went to house keeping, living together.
Q Did you keep house with Seymore Thornton? A Yes, sir.
Q Where?A I kept house in Fort Gibson right close to Seymore's mother.
Q How long? A Kept house with him till another woman got betwixt us.
Q How long? A I couldn't tell you.
Q A month? A Longer than that.
Q Two months? A Longer than two months.
Q Four months? A I didn't keep no record. It was a long time. I had two children by him.
Q Were you keeping house with him when Robert was born? A Yes, sir.
Q He was living with you at that time? A Yes, sir, he was going with another woman, and we were sorter on the split.
Q You had two children by him? A Yes, sir.
Q You were never married to him? A No, sir.

By Mr. Rutherford:
Q You say he asked the old folks for you? A Yes, sir.
Q And you agreed to go and live with him? A Yes, sir.

JOSEPH JOHNSON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Joseph Johnson.
Q How old are you? A According to my master's count I am going on 52.
Q What is your postoffice address? A Muskogee.
Q Do you claim to be a Cherokee freedman? A Yes, sir.
Q Do you know Robert Thornton? A Yes, sir.
Q Did you know his father? A Yes, sir.
Q What was his name? A Seymore Thornton.
Q Was Seymore Thornton the slave of a Cherokee citizen before the war? A I suppose so, I couldn't tell.
Q When did you first get acquainted with him? A After peace was declared.
Q How long? A It was to my knowledge about a year as well as I recollect.
Q A year after the close of the war? A Yes, sir.
Q Where was Seymore Thornton at that time? A Fort Gibson.
Q Living [illegible]

Q Living there? A Yes, sir.
Q Did he have any family at that time? A None but this woman, Rachel Bean, that we would call kind of a sweetheart, we never married them times.
Q Was he living with her? A Yes, sir.
Q How long did you know him? A Till he was killed.
Q He continued to live there from the time you got acquainted with him until he was killed? A Yes, sir.
Q You don't know of your own knowledge that he was the slave of a Cherokee citizen? A Yes, sir, I always heard them say---
Q But you didn't know him before the war? A No, sir.

By Mr. Rutherford:
Q When did you first come to Fort Gibson?A The second year right after the war; he was there then.
Q It was understood among everybody there that he belonged to Amos Thornton? A Yes, sir.
Q Did you know Amos Thornton? A Yes, sir.
Q Where did he live? A At Braggs.
Q Did Seymore Thornton, Robert's father and mother live together as man and wife? A Yes, sir, according to the way we were married them times.
Q Well, they were living together? A Yes, sir.
Q And you know that this boy was born of the two? A Yes, sir.
Q Seymore and Rachel? A Yes, sir.
Q Did you leave the territory after the war? A No, sir, not after the war.
Q Did you leave during the war? A Went away and was gone about eight months when the war was going on.
Q Where did you live before the war? A In Sequoyah, this side of Fort Smith.
Q And you didn't move to Fort Gibson until the second year after the war? A No.
Q And Seymore Thornton was there and living with Robert's mother?
A Yes, sir, he was killed there.
Q Do you know when he was killed? A I don't know what year; I know the day, but don't know the year or month; I helped pick him up.

By Mr. Hastings:
Q Henry Scales killed him? A Yes, sir.
Q Were Seymore and Robert's mother living together when you first knew them?after the war? A Yes, sir.
Q That is when you first become acquainted with him? A No, sir.
Q You never seen him before the war? A No, sir.
Q Was Robert born when you first knew them after the war? A No, sir.
Q How long was it after you first knew them until Robert was born?
A It was quite a while, can't tell exactly.
Q But they were living together as husband and wife? A Yes, sir.
Q About how many years did they live together as husband and wife?
A I am almost afraid to say, because I don't know exactly, but they were living together until he was killed, it is claimed.
Q About how long that you know? A I will say about three or four years to my knowing of them. I didn't live right in town; four miles in the country east of Fort Gibson.
Q But they were living together when you first knew them? A Yes, sir.
Q You are certain of that? A Yes, sir, I will swear that anywhere.
Q And they lived together some three or four years before he was killed? A To my knowledge, the best of my recollection.

Q Was this boy born before his father was killed? A He was a baby at that time. She had another by the same man called Jim.
Q You must have known the father that was living with the mother of this boy some three or four years before he was born? A Yes, sir.
Q Well, if this boy was born about '74, according to his testimony, you knew them about '70, is that correct? A I couldn't tell you, Mr. Hastings, exactly.
Q You don't know anything about the date you knew them after the war? A Not exactly, no, sir.
Q You are not willing to swear to that? A No, sir.
Q It may have been three or four years after the war? A Yes, sir, it may have been.

Commission: Upon request of the attorney for the applicant this case is continued, by agreement, until Wednesday April 27, 1904, for further testimony.

o-o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the aboe and foregoing is a true and correct transcript of his stenographic notes thereof.

H. M. Vance

Subscribed and sworn to before me this the 11th day of April, 1904.

Charles H. Geerges

Notary Public.

FILED
MAY 9 1904
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen D 1130.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, APRIL 27, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Robert Thornton for enrollment as a Cherokee freedman.

APPEARANCES:
W. W. Hastings, Attorney for Cherokee Nation.

BY THE COMMISSION:

It appears that on April 9, 1904, further testimony was taken in this case at Muskogee, Indian Territory, and that at that time the case was continued by agreement until Wednesday, April 27, 1904; and now on this 27th day of April, 1904, case being called and neither the applicant nor his attorney appearing, this case is declared closed.

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the above proceedings, and that the same is a true and correct transcript of my stenographic notes thereof.

Subscribed and sworn to before me this 9th day of May, 1904.

Charles H. Lounger
Notary Public.

Cherokee Freedmen D-1130

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Robert Thornton as a Cherokee Freedman.

DECISION.

It appears from the record herein that Robert Thornton appeared before the Commission at Muskogee, Indian Territory, on July 1, 1902, and made application for his enrollment as a Cherokee Freedman. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 9, 1904.

The evidence in this case shows that the applicant herein was born since 1866, and is a son of one Seymore Thornton, who, at the commencement of the war of the rebellion was a slave owned by a Cherokee citizen; that during the war of the rebellion and until his death, several years thereafter, said Seymore Thornton continuously resided in the Cherokee Nation, and that Robert Thornton has resided therein all his life.

It is, therefore, the opinion of this Commission that Robert Thornton should be enrolled as a Cherokee Freedman in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stats. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breaden
Commissioner.

Muskogee, Indian Territory,

this JAN 13 1905

Cherokee Freedmen
D 1130

Muskogee, Indian Territory, January 23, 1904.

Robert Thornton,

Muskogee, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether your father was the slave of a Cherokee citizen and whether he returned to the Cherokee Nation after the war within the time provided in the treaty of 1866.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday March 1, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 1130

Muskogee, Indian Territory, January 23, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Robert Thornton for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether the father of Robert Thornton was the slave of a Cherokee citizen and whether he returned to the Cherokee Nation after the war within the time provided in the treaty of 1866.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday March 1, 1904, and introduce testimony as above requested. The Cherokee Nation will be permitted to appear on that date and introduce testimony in rebuttal of that requested of the applicant.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-1130.

Muskogee, Indian Territory, April 1, 1904.

Robert Thornton,

Muskogee, Indian Territory.

Dear Sir:

In accordance with your request, the taking of further testimony in the matter of your application for enrollment as a Cherokee freedman, which case was set for hearing on April 6, has been continued, and you are hereby advised to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday April 9, 1904, and introduce testimony as heretofore requested.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-1130.

Muskogee, Indian Territory, April 1, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that in accordance with the applicant's request, the taking of further testimony in Cherokee freedmen D 1130, Robert Thornton, which case was set for hearing at Muskogee on April 6, has been continued, and the applicant has this day been advised to appear before the Commission at the above named place, at nine o'clock A. M., on Saturday, April 9, 1904, and introduce testimony as heretofore requested.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-1130.

Muskogee, Indian Territory, June 6, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Robert Thornton for enrollment as a Cherokee freedman, you are advised that in accordance with the request of his attorney, S. M. Rutherford, Muskogee, Indian Territory, the applicant has this day been advised that he will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of his application.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Chairman.

Cherokee Freedmen
D-1150.

Muskogee, Indian Territory, June 6, 1904.

S. M. Rutherford,

Attorney for Robert Thornton,

Muskogee, Indian Territory.

Dear Sir:

In accordance with your request you are advised that Robert Thornton has this day been notified that he will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of his application for enrollment as a Cherokee freedman.

Respectfully,

Chairman.

Cherokee Freedmen
D-1130.

Muskogee, Indian Territory, June 6, 1904.

Robert Thornton,

Muskogee, Indian Territory.

Dear Sir:

In accordance with the request of your attorney, S. M. Rutherford, Muskogee, Indian Territory, you are hereby advised that you will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of your application for enrollment as a Cherokee freedman.

Respectfully,

Chairman.

COPY.

Cherokee Freedman
D-1130

Muskogee, Indian Territory, January 13, 1905

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated January 13, 1905, granting the application for the enrollment of Robert Thornton as a Cherokee Freedman.

You are hereby advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby
Chairman

Encl. B 80

COPY

Cherokee Freedmen

D-1150.

Muskogee, Indian Territory, February 3, 1905.

Robert Thornton,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 13, 1905, granting the application for your enrollment as a Cherokee freedman.

You are advised that you will not be permitted to make an allotment selection until your name has been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly advised.

Respectfully,

Tams Bixby,
Chairman.

Incl. S-14.

COPY.

Cherokee Freedmen

D-1130.

Muskogee, Indian Territory, February 3, 1905.

Cravens, Rutherford & Cravens,

Attorneys for Robert Thornton,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 16, 1905, granting the application for the enrollment of Robert Thornton as a Cherokee freedman.

Respectfully,

Incl. S-15.

(SIGNED) Tams Bixby.
Chairman.

Cher Fr 1441
Transferred from Cher Fr D 73

Cher Fr 1441

DEPARTMENT OF THE INT
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 16 1901
ACTING CHAIRMAN

Q Were all your children born in Texas? A Yes sir.
Q But you went to Kansas? A Yes sir.
Q About what year? A After the Civil War.
Q That was in 1867? A I went out the next three years after that.
Q You testified a while ago that you had five years ago?
A Yes sir.
Q In the meantime what place in Kansas did you live? A Fort Scott, Kansas.
Q You lived in Kansas all that time? A No, not in Kansas all the time I worked some in Kansas and some in Arkansas and some in Vinita, Cherokee Nation.

Commissioner-
Q Where did you marry? A In Fort Gibson.
Q After you came back? A No sir, before I went. My husband and I parted; my husband died here in Fort Gibson. My boys were all raised here.

The name of Emily Thompson is found upon the roll of 1896. From the data set forth in the testimony, the Commission is clearly of the opinion that Emily Thompson is entitled to enrollment. The representatives of the Cherokee Nation protest against the enrollment on the ground that Emily Thompson is not a proper citizen. The Commission, upon the final judgment of the evidence, is of the opinion that the contest should be dismissed.

Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 15, 1901.

In the matter of the application of Emily Thompson for enrollment as a Cherokee Freedman; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Emily Thompson.
Q How old are you? A I am going on 51 years old.
Q What is your postoffice address? A Ft. Gibson.
Q What district do you live in? A Illinois.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q You say your name is not on the roll of 1880? A No sir.
Q Is it on the roll of 1896? A Yes sir.
Q Whom do you want to enroll besides yourself? A Just myself.
Q Were you a slave? A Yes sir.
Q What was your owner's name? A Lizzie Thompson.
Q She living? A Yes sir.
Q Are you married? A No sir.
Q Were you ever married? A Yes sir.
Q What was your husband's name? A Robin Thompson.
Q He living? A No sir.
Q Where were you at the beginning of the war between the United States and the Confederacy? A Right here in Fort Gibson.
Q Were you taken out of the nation during the war? A No sir.
Q Always lived here? A Yes sir.
Q Did you ever live outside of the Cherokee Nation? A After the war in '69, we had a payment in '80, I went out in Kansas to work.
Q Never went out until '80? A No sir.
Q How long did you stay in Kansas? A I staid in Kansas from '80 until five years ago.
Q And been living here ever since? A Yes sir.
Q You say you got no children? A Yes, but they are all grown.
Q Your owner's name was Lizzie? A Yes sir.
Q She living? A Yes sir.
Q Where does she live? A Four or five miles out in the country.

R.M. Walker, being sworn and examined by Commissioner T. B. Needles, testified as follows:
Q What is your name? A R. M. Walker.
Q What is your postoffice? A Ft. Gibson.
Q You are a Cherokee citizen, are you; by blood? A Yes sir.
Q You know Emily Thompson here? A Yes sir.
Q How long have you known her? A Ever since about '66 I think.
Q Was she here in '66? A Yes sir, I think so.
Q You know anything about her since that? A She left here, somewhere in the neighborhood of '70 or '75; she was gone several years, and she came back and been living here for several years.
Q Was she a slave? A I think so; I don't know, sir, of my own personal knowledge; I think she was.
Q You are satisfied she was here in '66? A She was here when we come back, yes sir.

redirect.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is not found of record thereon.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 966, No. 633, Emily Thompson, Illinois District.

Examination by W. W. Hastings, representative of the Cherokee Nation of applicant-
Q Did your husband die before you left the Cherokee Nation?
A My husband died before I went out.

S. N. T.

Q Were all your children born here? A Yes sir.
Q But you went to Kansas? A Yes sir.
Q About what year? A After the first payment in '79.
Q That was in '75? A I went out the next three years after that.
Q You testified a while ago that you came back five years ago?
A Yes sir.
Q In the meantime what place in Kansas did you live? A Fort Scott, a while.
Q You lived in Kansas all that time? A No, not in Kansas all the time I worked some in Kansas and some in Missouri and some in Vinita, Cherokee Nation.

Commissioner-
Q Where did you marry? A In Fort Gibson.
Q After you come back? A No sir, before I went. My husband and I parted; my husband died here in Fort Gibson. My boys were all raised here.

The name of Emily Thompson is found upon the census roll of 1896. From the facts set forth in the testimony, the Commission is clearly of the opinion that Emily Thompson is entitled to enrollment. The representatives of the Cherokee Nation protest against the enrollment on account of they aver that said Emily Thompson abjured her citizenship, consequently final judgment as to the enrollment of Emily Thompson will be suspended and her name will be placed upon a doubtful card.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. P. Rothenberger

Subscribed and sworn to before me this 16th day of April, 1901.

C. R. McCune
Commissioner.

F 9 73

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 15 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 15 19[illegible]

Post Office Fort Gibson

District Ill

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

(1) Name of wife Emily Thompson Age 51

Owners name Lizzie Thompson Citizenship Cher

Year 1896 Page 966 No. 633 District Ill

Parents:

Father Citizenship

Mother Nancy Thornton Citizenship

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by No (1) Stenographer Rothenberg, C S

COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 19 1901

Nowata, Indian Territory, June 19th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony of April 15th, 1901, in the matter of the application of Emily Thompson for enrollment as a Freedwoman of the Cherokee Nation.

A S McRea

Attorney for Applicant.

Cherokee Freedmen Roll
Card, Field #D73.

Cherokee Freedman D 73

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emily Thompson for enrollment as a Cherokee Freedman:

D E C I S I O N

The record in this case shows that on April 15, 1901, Emily Thompson appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for enrollment as a Cherokee Freedman.

The evidence shows that the applicant was the slave of a Cherokee citizen at the beginning of the war of the rebellion and was residing in the Cherokee Nation on July 19, 1866.

The evidence further shows that the applicant has continuously resided in the Cherokee Nation since 1866, with the exception of about sixteen years, between 1880 and 1896, during which time she was residing in the states of Kansas and Missouri.

It is, therefore, the opinion of this Commission that Emily Thompson should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

W E Hanney
Commissioner.

Muskogee, Indian Territory,

this JUL 10 1907

FILED
AUG 5 1903
COMMISSION TO FIVE TRIBES.

WWH

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Tahlequah I. T. August 1st 1903.

In the matter of the application of Emily Thompson to be enrolled as a Cherokee Freedman.

Cherokee Freedman D 73.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission to the Five Civilized Tribes rendered in this case July 10th 1903 and asks that the record be forwarded to the Honorable Secretary of the Interior for review.

The evidence in this case shows that the applicant left the Cherokee Nation some time after the payment in 1875 and before 1879 and that she returned for the first time thereafter five years prior to her application herein or in 1896; in other words she was absent from the Cherokee Nation for at least eighteen years and the judgment of the Commission admits that she was absent about sixteen years and there is no proof whatever that during that time she ever had any property in the Cherokee Nation.

The Cherokee Nation contends that this applicant, so far as abjuring her citizenship is concerned is upon the same footing as a Cherokee by blood and that it makes no difference if she did qualify under the treaty that if she left here when he admits she did and was gone from the Cherokee Nation for eighteen years that she abjured her citizenship under Article one Section Two of the Cherokee Constitution which provides: "Whenever any citizen shall remove with his effects, out of the limits of this nation, and becomes a citizen of any other government, all his

rights and privileges ~~xxxxxxxxx~~ as a citizen of this Nation shall cease; provided, nevertheless, that the National Council shall have power to readmit by law, to all the rights of citizenship, any such person or persons who may, at any time, desire to return to the Nation, on memorializing the National Council for such readmission."

The testimony shows that she left the Cherokee Nation; that she left no effects behind her and it is reasonable to suppose of course that she was recognized and protected just the same as any other citizen was in the State of Kansas.

It is quite clear that she never was in the Cherokee Nation between 1878 and 1896 because her name doesnot appear upon the Wallace Roll or upon the Kern & Clifton Roll made in 1896 upon which a large payment was made.

We respectfully submit that under the law this applicant is not entitled to be enrolled as a Freedman citizen of the Cherokee Nation.

Respectfully Submitted,

L. B. Bell

W W Hastings

J. S. Davenport

JCL

Attorneys for the Cherokee Nation.

Cherokee Freedmen D 73.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE28, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of EMILY THOMPSON as a Cherokee freedman.

It appears that on May 7, 1904, the applicant, her attorney and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 15, 1904, and then and there introduce further testimony touching the points mention in said letter. On June 15, 1904, this case was continued by agreement until this June 28, 1904, when the following testimony was introduced on behalf of the applicant.

APPEARANCES:
Applicant appears in person.
Cherokee Nation by its attorney, James S. Davenport.

EMILY THOMPSON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Emily Thompson.
Q How old are you? A Going on 55 years old.
Q What is your postoffice address? A Fort Gibson, Indian Territory
Q Cherokee Nation? A Yes, sir.
Q Do you claim to be a Cherokee freedman? A Yes, sir.
Q Who did you belong to before the war? A Liz Thompson; my first master was Liz Thompson.
Q Did you go out of the Cherokee Nation during the war? A No, sir.
Q It appears from your testimony heretofore given in the matter of your application for enrollment that you at one time left the Cherokee Nation and lived in the State of Missouri and Kansas for awhile, when did you first leave the Cherokee Nation? A First in '79 went out to work.
Q Where did you go to? A First to Vinita and left there and went to Parsons, Kansas.
Q How long did you live in Kansas at that time? A I stayed in Kansas two year.
Q Then where did you go? A I come back to Vinita and worked there two months and then went to Kansas,City, Missouri.
Q Come to Vinita in the Cherokee Nation and then went to Kansas City Missouri? A Yes, sir, Kansas City.
Q How long did you stay in Kansas City, Missouri? A I just couldn't tell you how long I stayed then; I come back and stayed with a couple of weeks and then went back again; don't know how long it was between them times.
Q Where did you go when you finally left Kansas City? A Come back and stayed two weeks and went back to work and stayed then backwards and forwards until two years before the payment.
Q In 1897? A Yes, sir.
Q Kern-Clifton payment, do you mean? A Yes, sir.
Q Were you out of the Cherokee Nation most of the time from 1879 until two years before the Kern-Clifton payment of 1897? A No, sir, I was backwards and forwards; went to work at Vinita and then out and back to Vinita and then back to Parsons and left there and come down on Big Creek, started home and high waters come and I didn't get home and went back to Kansas City and worked and then didn't come back for quite a while, maybe two or three years, and come back for two weeks and then went back and didn't come back any more to

stay until this last time; just passed in and out and had children and had my farm out and had to work.
Q During all that time that you were out of the Cherokee Nation where were your children? A Right here in Gibson; never have been out of Gibson.
Q Who did they live with? A Their grandmother, Nancy Thornton, my mother.
Q How old were those children when you first left the Cherokee Nation in 1879? A One was five and the other was six, one year's difference in their ages.
Q During all that time that you were out of the Cherokee Nation from 1879 until somewhere near the Kern-Clifton payment, did you own any property or household effects in the Cherokee Nation? A Yes, sir.
Q What did you have? A A field.
Q Where was that? A Down between the mouth of the bayou and the mouth of the Arkansas, down on the Arkansas.
Q When did you come into possession of that farm? A I don't know what year it was my brother got killed in.
Q Was it before 1879? A Yes, sir.
Q And have you owned that place ever since? A Yes, sir, got rent off of it all the time I was away.
Q You did receive rent all the time you were away? A Yes, sir.
Q Did you ever own anything in the way of a place or home outside of the Cherokee Nation? A No, sir, white folks kept me.
Q Did you have any husband living during the year 1879 on up until you returned to the Cherokee Nation? A I had one living in '79, but he died.
Q When did he die? A Died in 1880. I can't tell you what day of the year it was.
Q Did you draw money at the Kern-Clifton payment? A No, sir.
Q Why? A I ~~don't know~~ wasn't here; you mean this last payment?
Q 1897? A No, sir, I didn't draw; I didn't get here in time to get on the roll, that is what come me to come.
Q It seems that you name was identified on the 1896 census roll of the Cherokee Nation, do you know whether or not you are on any of the other tribal rolls? A I am on the roll that was paid off in 70--something.
Q I mean any of the rolls after 1879 or 1880? A No, sir.
Q You are not on any of the other rolls? A No, sir, I was gone and mama wrote me to come home, but I didn't get the letter and never got on the Wallace roll, I believe it is.
Q You are not on the Wallace roll? A No, sir.
Q How long is the longest time you were ever out of the Cherokee Nation? A The longest time that I remember is eight years.
Q When was that? A When I was gone the last time.
Q What year? A In 1880.
Q Eight years beginning in 1880? A Yes, sir.
Q Where were you then? A In Kansas City.
Q But during all that time did you own property here? A Yes, sir.
Q You were all the time receiving rents from that field of yours?
A Yes, sir, I got it and sent it to mamma after I got it to keep the children.
Q Have you lived here all the time since 1896? A Yes, sir.
Q Never have been out since that time? A No, sir, no more than over here. I have never left Gibson since.

By Mr. Davenport:
Q Where is that farm you owned in 1876? A Down here on the, between the mouth of the bayou and the Arkansas River.
Q Who lived on your place in 1876? A Why I rented it to some state darkies named Harrison.
Q While you lived in Kansas and Missouri this 6, 8 or 10 years, who cultivated the farm? A Mamma rented it; I don't know none but the Harrisons.

Q You don't know anything about who had cultivated it prior to that time? A I never seen the renters.
Q You say you got the rent? A Yes, sir, mamma would send it to me or tell me she got it.
Q What was her name? A Nancy Thornton, she was with Mr. Hastings.
Q After you returned from Kansas City, Missouri? A No, sir.
Q What size farm was it you had over there? A About fifteen or twenty acres.
Q You went away from the Cherokee Nation about 1875, didn't you? A No, sir.
Q Well, you went away before 1880? A I went away in 1879.
Q And returned in 1896? A Yes, sir, returned two or three times before that.
Q You came back to live? A Yes, sir, came back to live in 1895.
Q Did you leave any stock down here while you were gone to Kansas and Missouri? A Yes, sir, left some cows.
Q With whom? A A woman by the name of Easter, and she said someone stole them.
Q What was her other name? A Easter Gorman.
Q Where is she now? A She is dead.
Q How long has she been dead? A Five or six years now.
Q She died since we began to make this roll, didn't she? A She died after the payment.
Q How many cows did you leave with her? A Two.
Q What other kind of stock did you leave? A Hogs.
Q And a dog? A Yes, sir, and hogs, chickens.
Q How did it happen that you didn't think of this in your original examination? A You didn't ask me, if you had, I would have told you.
Q The question of your non-residence was gone into then wasn't it? Q No, sir, they never asked me.
Q They asked you if you hadn't lived out of the country from 1879 to 1896, didn't they? A Yes, sir.
Q And you didn't tell them about owning any property during your absence? A No, sir, because they didn't ask me.
Q But you knew you owned it? A Yes, sir.
Q But you didn't say anything about it? A No, sir, because they didn't ask me. If they had I would have told it.

WILLIAM DAVIS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A William Davis.
Q How old are you? A 56, will be Christmas.
Q What is your postoffice address? A Fort Gibson.
Q Do you know the applicant in this case, Emily Thompson? A Yes, sir.
Q How long have you known her? A About 36 years.
Q Where was she living when you first got acquainted with her? A Fort Gibson.
Q How long did she continue to live there after you first knew her? Q She lived there until she got along, after she was grown; she left there about 17 or 18 years after I first known her.
Q Do you know what year she first left there? A No, sir, I don't.
Q Did you ever hear of her having lived anywhere else outside of the Cherokee Nation? A Yes, she was living up in Kansas somewheres up there.
Q When was that? A That has been after she got to be a woman.
Q When did she first leave Fort Gibson, before or after the 1880 roll was made? A Afterwards.
Q About how long afterwards? A Two or three years afterwards. I know her mother and father drew for her.

Q Do you know where she went to? A She went to Kansas somewhereo.
Q Do you know how long she lived outside of the Cherokee Nation at that time? A No, sir. She come backwards and forwards home every once in a while.
Q About how often would she come home? A I know she come twice or three times.
Q How long was she away from Fort Gibson altogether? A I suppose about nine or ten years.
Q And during that time did she come back only twice or three times?
A Somewhere along there.
Q Do you know whether or not she was out of the Cherokee Nation all that nine years? A No, sir, I couldn't say.
Q When did she finally come back to live there at Fort Gibson?
A She had been here about a year, I reckon, before the rolls; her mother got sick and she came home about a year or two years, somewhere along there and then she come back and been here ever since.
Q What roll are you speaking about? A That was before they commenced enrolling.
Q What enrollment? A Cherokees.
Q Who commenced enrolling? A Dawes Commission.
Q About a year before the Dawes Commission commenced enrolling Cherokee freedmen? A Somewhere along in there.
Q And has she been here ever since that? A Yes, sir.
Q When she first left the Cherokee Nation did she have any children?
A Yes, sir.
Q Did she take them with her? A No, sir.
Q Where were they? A Down in the bottom with their father.
Q Did she and her husband separate? A I suppose so.
Q Do you know anything about that? A I know it was her husband and he kept the children until he died.
Q And she left the country? A Yes, sir, she come backwards and forwards.
Q Do you know anything about whether or not she had any property in the Cherokee Nation while she was away? A Of course that place was her property.
Q The place those children were living on? A Yes, sir, her and her husband made it.
A Was her husband a citizen? A Yes, sir.
Q He was a Cherokee freedman, too, was he? A Yes, sir.
Q Do you know whether or not she had any household goods or anything of that kind here in the Nation? A Yes, sir, she left all she had.
Q On that place? A Yes, sir.
Q Were she and the father of these children lawfully married or do you know? A No, sir, I don't know that.
Q You don't know whether they were divorced or not? A No, sir.
Q And to the best of your knowledge she was absent from the Cherokee Nation some nine or ten years and during that time she would return once in a while? A Yes, sir, I know she come twice or three times; I lived right there door neighbor and I would know when she would come.
Q You have lived there since you first got acquainted with her?
A Yes, sir, I have lived at Fort Gibson since 1867, close to her mother's house.
Q Where does Emily Thompson live now? A About 100 yards from where I live.
Q Where her husband died and where she ~~lived~~left those children?
A No, sir, that was not the bottom.
Q They still own that, do they? A Yes, sir, they still own that.

By Mr. Davenport:
Q Do I understand you to say that the only place she had anything to do with was the place her husband and children remained on?
A No, sir, her mother willed her a place joining me.

Q Where did her mother give her a place? A At her death; she had nothing to do with it at-a- until her mother died; she lived on it until her mother died.
Q Did she own that place that her mother gave her while she was living in Kansas and Missouri? A She didn't give it to her while she was living in Kansas and Missouri. She give it to her after her death, and she never died until this woman come back home to live.
Q Did she own the place that her husband and children lived on? A Yes, sir.
Q When did she acquire title to it and through whom? A Through her own labor and her husband's.
Q Didn't her husband continue to own it and don't he own it to-day? A No, sir, he is dead.
Q Didn't her husband own and control the place up until the time of his death? A Yes, sir.
Q The applicant here had nothing to do with the place that her husband lived on so far as owning it or controlling it during the life of her husband, after they separated? A I don't know.
Q You lived there in the neighborhood? A Yes, sir, I lived right there.
Q Don't you know who lived on the place and who controlled it? A I know he lived on it and he had these children on it.
Q What did the applicant here have to do towards controlling that place during the time that her husband lived on it after they had separated? A I don't suppose she had anything to do with it, because she wasn't there to help to control it.
Q Now where was the applicants' household goods during the time she was in Kansas, that you speak of being left here? A There with her husband and children.
Q Do you know that of your own knowledge? Did you see them there? A I have been there at the house lots of times, and I don't think this woman took anything off with her.
Q Do you know that anything in that house belonged to her after she left? A Yes, I can say I know that there was some things that were hers; her husband kept some of her clothes there.
Q You saw them? A Yes, sir.
Q And you know he kept them? A Yes, sir.
Q Where did you see them? A There in the house.
Q What year was that? A I don't remember the year.
Q When was it that the applicant went to Kansas? A I don't know.
Q When did she come from Kansas or Missouri to live? A I think it was about a year or two years before they commenced enrolling, as well as I can recollect. She had been backwards and forwards.
Q What enrollment do you refer to? A I am referring to the Dawes enrollment.

By the Commission:
Q You stated that Emily Thompson returned several times before she finally come back to live, to what place did she come on these visits to the place where her husband and children were living or to her mother's? A To her mother's and then go down to see the children.
Q Would she spend most of the time where her children were or where her mother was? A She would go backwards and forwards.
Q About how long would she stay in the Cherokee Nation on each of these trips? A She would stay sometimes two or three weeks, maybe a month or two.

By Mr. Davenport:
Q How many children has the applicant? A She has got three.
Q What are their names? A The two children that I am familiar with are Bob and Joe; this young one I don't know what its name is.
Q It has been raised there by you? A No, sir, it wasn't.
Q Where was she raised? A I don't know.

Q Was this girl one of the girls that was left with the father?
A No, sir, just the two boy children were left with their father.
Q Where was this girl born? A I don't know.
Q Was she born while the applicant was in Kansas or Missouri? A She brought it there with her.
Q Do you know who her father was? A No, sir.

By the Commission:
Q How old was that child when you first saw it? A I don't know, sir, I expect some 2, 3, or 4 years old, maybe.

BOB THOMPSON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Bob Thompson.
Q How old are you? A 37 or 38.
Q What is your postoffice address? A Fort Gibson.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know Emily Thompson? A Yes, sir, she is my mother.
Q Where were you born? A Fort Gibson.
Q You were living in Fort Gibson when you could first recollect?
A Yes, sir, been there ever since I could first recollect; wasn't nowheres else.
Q Have you been enrolled by the Commission? A Yes, sir.
Q Do you know when your mother first left the Cherokee Nation?
A No, sir, we were small then.
Q Can you remember it? A Yes, sir, I can just remember when she left.
Q Do you remember what year it was? A No, sir.
Q Can you say how long ago it was? A No, sir, I can't really say.
Q Where were you living when she left the Nation? A At home with my father.
Q Where? A In the bottom at Fort Gibson.
Q With your father and your brother? A Yes, sir, my brother Joe.
Q Do you know where your mother went to? A Went to Kansas City, I suppose, is what I learned, is what I was told.
Q Do you know how long she stayed out of the Cherokee Nation?
A No, sir, not exactly how many years she stayed out. She come back about two years before the payment.
Q What payment? A Freedmen.
Q You mean the Kern-Clifton payment of 1897? A Yes, sir.
Q Is that the first time you ever saw her after she left? A No, sir, she would come back to see us, but wouldn't stay; she never took anything away, bedclothes nor nothing; we were them out.
Q She would always come to the place where you were living? A Yes, sir.
Q About how many times did she visit there before she come to live?
A I can't count the times.
Q Can't you give some idea? A She come pretty often.
Q Two or three times? A More than that.
Q Five or six? A May have been; maybe more; wouldn't say positive.
Q When she first left you were small? A Yes, sir, both of us, me and brother Joe.
Q And she didn't come back to live until a year or two before the freedmen payment? A No, sir.
Q You say she took nothing away with her? A No, sir, not a thing; my brother Joe has got a feather bed right now.
Q Did she and your father part? A I don't know, sir, what separated them; I was too small; she would always come back, but she would not stay there.
Q She wouldn't stay there? A No, sir, but she would come back.

Q Did they appear to be on friendly terms when she would come back? A Yes, sir, they wouldn't get mad; they would talk like they always did.

By Mr. Davenport:
Q How old were you when she went away? A I couldn't tell you how old I was.
Q You don't know anything about what property she left there, do you, when she went away that belonged to her? A She had some hogs, two cows, such as chickens, etc.
Q You were big enough to remember that? A Yes, sir.
Q What is your halfsister's name? A Hattie.
Q Where was Hattie born? A I don't know, sir, where she was born.
Q She wasn't born in the Cherokee Nation, was she? A I couldn't tell you.
Q Was she born while your father and mother were living there or born while they she was gone? A No, sir, she wasn't born there.
Q When your mother came back she brought her with her? A Yes, sir.

POLLIE BOYD, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Pollie Boyd.
Q How old are you? A About 52.
Q What is your postoffice address? A Muskogee.
Q You claim to be a Cherokee freedman, do you? A Yes, sir.
Q Do you know Emily Thompson? A Yes, sir.
Q How long have you known her? A All my live, I guess.
Q You have known her all of your life? A Yes, sir.
Q Where was she living when you first got acquainted with her?
A Fort Gibson.
Q How long did she continue to live there after you first knew her?
A I couldn't tell you how long.
Q Do you know when she first left the Cherokee Nation? A No, sir.
Q You don't know when that was? A No, sir.
Q You know she did leave? A Yes, sir.
Q About how long ago since she first left? A I couldn't tell you.
Q Have you any idea? A No, sir.
Q Was it a year or two months ago, or five years ago? A Since she left, I guess it was, I don't remember.
Q You remember something about it, don't you? A I can't remember just-----
Q Was it after the 1880 roll was made? A I don't remember.
Q How long has she been living at Fort Gibson this last time?
A It was '95 when she come back.
Q Where did she come from? A From Kansas.
Q Has she been living at Fort Gibson since 1895? A Yes, sir.
Q You know that of your own knowledge? A Yes, sir, I ~~could~~-- know she has.
Q Where did she go when she went away? A I don't know.
Q Could you state about how many years she had been absent when she returned in 1895? A No, sir, I don't remember anything about that.
Q Were you living in Fort Gibson all that time? A Yes, sir.
Q Close to her home? A Right in town.
Q Where did she live? A She lived there in Gibson.
Q And yet you didn't remember about when she went away, nor how long she stayed? A No, sir.
Q Did you know her husband? A Yes, sir.
Q What was his name? A Robin Thompson.
Q Did they have any children? A Yes, sir, had two.
Q Did she and her husband separate? A Yes, sir.

Q Were they divorced or do you know? A No, they wasn't divorced.
Q When she went away from the Cherokee Nation, did you see her any more until 1898, when you say she finally come back? A I don't remember of seeing her.

(No cross-examination).

EMILY THOMPSON, re-called:

By the Commission:
Q When ye were you married to your husband, the father of these two children that you spoke of in your examination? A It was in '70.
Q In the year 1870? A Yes, sir.
Q You were married by a preacher? A Yes, sir, it was in '70, because '71, '72 it was, we went to see his uncle.
Q When did he die? A Robin?
Q Yes. A He has been dead now about 12 or 13 years now.
Q Did you and he separate and agree to quit living together? A We would do like Indian would, we quit and---
Q And he kept the children? A Yes, sir, we would quit and go around and do like Indians would.
Q On these trips you would make back to the Nation then you would spend part of the time down at his house? A Yes, sir, with the children.
Q Had your clothing and household goods there? A Yes, sir, had them all.
Q Your children still own that farm? A Yes, sir, me and Bob bought Joe's part out.

By Mr. Davenport:
Q Who is the father of Hattie? A Lee Jones.
Q Where was Hattie born? A She was born in Kansas City.
Q Her father was a state man, was he? A Yes, sir.
Q When did you first bring Hattie to the Cherokee Nation? A In '95, when I come.
Q You are no kin to a woman known as Emily Vann that is known as Emily Thompson sometimes? A No, sir.
Q Do you know Emily Vann or Thompson, the woman that was sorter crazy? A Yes, sir.
Q Do you know where she now? A She lives on Wolfe creek.
Q You are not the mother of Martha Phillipps? A No, sir.
Q Haven't any daughter by that name? A No, sir.
Q Is Hattie your only daughter? A Yes, sir.

o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this the 21st day of July, 1904.

Charles H. Lawyer

Notary Public.

C 718.

Cherokee Freedmen D 73.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emily Thompson as a Cherokee Freedman.

-:-

D E C I S I O N.

The record herein shows that on April 15, 1901, Emily Thompson appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself as a Cherokee Freedman.

The record further shows that on July 10, 1903, this Commission rendered a decision herein, enrolling the applicant as a Cherokee Freedman, and that the proceedings in said case were duly forwarded to the Department. Departmental letter of April 6, 1904, (I.T.D. 1812-1904), remanded said case for further testimony. Supplemental proceedings in the matter of said application were had at Muskogee, Indian Territory, June 28, 1904.

The evidence herein shows that the said Emily Thompson was the slave of a Cherokee citizen at the commencement of the rebellion, and lived continuously in the Cherokee Nation until 1879, when she left said Nation and went to the state of Kansas, and lived therein, and in the state of Missouri, until about 1895, since which time she has lived in the Cherokee Nation. It is further shown that during this period she owned some property in the Cherokee Nation, and it is not shown that she became a citizen of any other Government. Her name is found on the 1896 Cherokee census roll.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Joseph D. Yeargain, et al., (I.T.D. 2900-03), Emily Thompson should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this JAN 16 1905

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Emily Thompson,
Ft. Gibson, I.T.
Cherokee F-D-73
Register.

COPY.

Cherokee Freedmen
D-73.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting the application of Emily Thompson for the enrollment of herself as a Cherokee Freedman.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. H-16.

COPY.

Cherokee Freedman
D-73

Muskogee, Indian Territory, August 10, 1903

Emily Thompson,

Fort Gibson, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. McRae, Muskogee, Indian Territory, a copy of the record of proceedings and there has this day been forwarded him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Enc. D-51
Register.

Commissioner in Charge.

Cherokee Freedmen
D-73

Muskogee, Indian Territory, August 10, 1903

A. S. McRae,

Attorney for Emily Thompson,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting the application of Emily Thompson for the enrollment of herself as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-52
Register.

Commissioner in Charge.

Department of the Interior,
RECEIVED.
MAY 3 - 1904
Enc. No. 2 of No. 1812
Indian Territory Division.

F 1441

23080

Cherokee Freedman
D-73

Muskogee, Indian Territory, August 10, 1903

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Emily Thompson for the enrollment of herself as a Cherokee freedman, including the Commission's decision dated July 10, 1903, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-53

(COPY)

Department of the Interior,

Office of Indian Affairs.

Refer in reply to the following:

Washington, March 2,1904.

Land 51634-1903.

The Honorable,

Secretary of the Interior.

Sir:

I have the honor to enclose herewith report from the Commission to the Five Civilized Tribes dated August 10,1903, transmitting record relative to the application of Emily Thompson for enrollment as a Cherokee freedman.

July 10,1903, the Commission held that the applicant should be enrolled as a Cherokee Freedman. The evidence in this case shows that Emily Thompson, applicant herein, was a slave of a Cherokee citizen at the commencement of the war and that she was residing in the Cherokee nation on the July 19,1866. It further shows that she has continued to reside in said nation since 1866, with the exception of about 16 years between 1880 and 1896, during which time she resided in the states of Missouri and Kansas. There is nothing in the record whosh shows that she owned property in the Cherokee Nation during her absence therefrom. Neither is there anything which shows that she ~~xxxxd prxxx~~ she became a citizen elsewhere. The Cherokee nation by its attorney protests against the Commission's decision, it not being shown that the applicant removed from the Cherokee Nation with her effects or that she became a citizen elsewhere or that she retained effects in the

Cherokee nation during her absence therefrom. It is believed that the case should be remanded to the Commission with instructions to take further testimony if necessary with a view to determining whether this applicant expatriated her citizenship in the Cherokee nation, it being believed by the office that a Cherokee freedman can expatriate his citizenship under the same circumstances and conditions as can a native Cherokee.

It is therefore recommended that the record in the case be returned with instructions as herein indicated.

Very respectfully,

A.C.Tonner,

Acting Commissioner.

GAW-E.

D.C.11278-1904

I.T.D.1812-1904.

L.R.S/

J.P.
F.H.E.

Department of the Interior,
Washington, April 6,1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 2,1904, the Acting Commissioner of Indian Affairs submitted the case involving the application of Emily Thompson for enrollment as a Cherokee freedman, in which you found in favor of the applicant, and recommended that the case be remanded, as it appeared that the party was absent from the Cherokee Nation from about 1880 to 1896, and as there is nothing to show that she owned property in the Cherokee Nation during her absence therefrom. He states that there is also nothing to show that she became a citizen of any other government.

The Nation protested against your decision.

In accordance with the Acting Commissioner's recommendation, the testimony and papers attached thereto are herewith returned, with instructions to take further testimony with the view of determining whether the applicant lost her citizenship in the Cherokee Nation during her absence therefrom. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(signed) Thos. Ryan,
Acting Secretary.

2 inclosures.

Cherokee Freedmen
D 73

Muskogee, Indian Territory, May 7, 1904.

Emily Thompson,

Fort Gibson, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of April 6, remanding the Commission's decision of July 10, 1903, granting your said application. The Department directs that further testimony be taken tending to show whether or not you forfeited your citizenship in the Cherokee Nation by removing therefrom and living in the states of Missouri and Kansas during the interval between the years 1880 and 1896.

In accordance with the Department's letter, you are hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday June 15, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 73

Muskogee, Indian Territory, May 7, 1904.

A. S. McRea,

Attorney for Emily Thompson,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application of Emily Thompson for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of April 6, remanding the Commission's decision of July 10, 1903, granting said application. The Department directs that further testimony be taken tending to show whether or not said Emily Thompson forfeited her citizenship in the Cherokee Nation by removing therefrom and living in the states of Missouri and Kansas during the interval between the years 1880 and 1896.

In accordance with the Department's letter, the applicant has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday June 15, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 73

Muskogee, Indian Territory, May 7, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Emily Thompson for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of April 6, remanding the Commission's decision of July 10, 1903, granting said application. The Department directs that further testimony be taken tending to show whether or not said Emily Thompson forfeited her citizenship in the Cherokee Nation by removing therefrom and living in the states of Missouri and Kansas during the interval between the years 1880 and 1896.

In accordance with the Department's letter, the applicant has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday June 15, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

For your information there is herewith inclosed a copy of the

Department's letter above referred to.

Respectfully,

Encl. V-31

Commissioner in Charge.

COPY.

Cherokee Freedmen

D-75.

Muskogee, Indian Territory, January 16, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 16, 1905, granting the application for the enrollment of Emily Thompson as a Cherokee freedman.

You are hereby advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.

Chairman.

Incl. S-52.

COPY.

Cherokee Freedmen

D-73.

Muskogee, Indian Territory, February 3, 1905.

Emily Thompson,

Fort Gibson, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 16, 1905, granting your application for enrollment as a Cherokee freedman.

You are advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly advised.

Respectfully,

Tams Bixby

(SIGN) Chairman.

Incl. S-18.

COPY.

Cherokee Freedmen

D-73.

Muskogee, Indian Territory, February 3, 1905.

A. S. McRea,

Attorney for Emily Thompson,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribe , dated January 16, 1905, granting the application for the enrollment of Emily Thompson as a Cherokee freedman.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-19.

Muskogee, Indian Territory, July 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In order to complete the files of the Department there are enclosed herewith the records of proceedings had in the Cherokee freedmen cases of Emily Thompson, D.73 (now 1441), and the consolidated applications of Mary Scott, R.68 (now 1351), and Bell Scott, D.186 (now 1351).

In the case of Emily Thompson, the Commission to the Five Civilized Tribes, on July 10, 1903, rendered its decision favorable to the applicant, and the decision, together with the record in the case was transmitted to the Department, the Cherokee Nation protesting against the Commission's action. The Department, April 6, 1904, (I.T.D. 1812-04) remanded the case to the Commission for rehearing and readjudication. On January 16, 1905, the Commission again rendered its decision favorable to the applicant and on that date furnished the Attorneys for the Cherokee Nation a copy of its decision and advised that they would be allowed fifteen days from that date within which to file such protest as they desired to make against the Commission's action,

and that if they failed to file a protest within the time allowed, a decision favorable to the applicant would be considered final. As the Attorneys for the Cherokee Nation entered no protest against the Commission's decision, the name of Emily Thompson was included in a schedule of Cherokee freedman and approved by the Secretary of the Interior April 19, 1905, opposite No. 3928.

In the consolidated cases of Mary Scott and Bell Scott, the Commission to the Five Civilized Tribes on July 1, 1903, rendered its decision adverse to Bell Scott, and on July 10, 1903, the decision, together with the record of proceedings had in the case was forwarded to the Department. On December 5, 1903, (Land 76129-03), in compliance with the request of the Commission to the Five Civilized Tribes, the Commissioner of Indian Affairs returned the record in the matter of the application for the enrollment of Bell Scott, and the action of the Commission in requesting the return of the record was, on December 11, 1903 (I.T.D.-8638-03), approved by the Department. The Commission, on April 26, 1904, consolidating the applications for the enrollment of Mary Scott and Bell Scott, rendered its decision favorable to the applicants and a copy of its decision was, on April 29, 1904, served on the Attorneys for the Cherokee Nation with the advice that they would be allowed fifteen days from that date within which to file such protest as they desired to make

against the action of the Commission, and that if they failed to file protest within the time allowed, the decision of the Commission would be considered final. As the Attorneys for the Cherokee Nation failed to file protest, the names of Mary Scott and Bell Scott were included in a schedule of Cherokee freedmen and approved by the Department November 16, 1904, opposite Nos. 3722 and 3723.

It has been the intention of the Commission and this office to return to the Department, for its action thereon and to be retained in its files, the records in all Cherokee citizenship cases where the records were once before the Department and remanded to this office for reconsideration. All of the Cherokee enrollment records have been examined and the two records herewith transmitted are all that can be found which were once before the Department and remanded but the records not returned to the Department.

Respectfully,

M.A.Encl. 25-5.

Commissioner.

Through the

Commissioner of Indian Affairs.

(COPY)

DEPARTMENT OF THE INTERIOR,

LAND Office of Indian Affairs.

64728-1906. WASHINGTON.

January 12, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter (I.T.D.1812-1904, I.T.D. 2900-1903, and I.T.D. 8638-1903), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated July 25, 1906, transmitting the records relative to the applications of Emily Thompson and of Mary Scott, et al., for enrollment as Cherokee freedmen.

On April 15, 1901, Emily Thompson applied to the Commission to the Five Civilized Tribes for enrollment as a Cherokee freedman.

On April 29, 1901, Mary Scott applied for such enrollment for herself and her minor child, Bell Scott.

On January 16, 1905, the Commission held that Emily Thompson was entitled to be enrolled as a Cherokee freedman. on April 20, 1904, the Commission decided that Mary and Bell Scott should be enrolled as Cherokee freedmen.

Emily Thompson is identified on the 1896 Cherokee census roll. The record shows that she was a slave of a Cherokee

citizen and resided continuously in the Cherokee Nation until 1879 when she left that nation and did not return until 1895. Since that date she has resided in the nation. It is also shown that she owned property in the Cherokee Nation during her absence.

In view of the decision of the Department (I.T.D.2900-1903) in the case of Joseph D. veargain, et al., the decision of the Commissioner favorable to the applicant, Emily Thompson, is recommended for approval.

Mary Scott is the daughter of Thomas Harlin, identified on the 1880 authenticated roll of Cherokee freedmen, and has resided in the Cherokee Nation since 1880. Bell Scott is the daughter of Mary Scott and was born in the Cherokee Nation in 1900 and has resided there since that date.

In view of Section 3 of the act of April 26, 1906 (34 Stat. L. 137), the decision of the Commissioner favorable to these applicants is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD

C

JfJr.

DEPARTMENT OF THE INTERIOR, S.P.

D.C. 10292-1907
I.T.D876-1907.

WASHINGTON.

LRS.

February 14, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On January 12, 1907 (Land 64728-06), the Indian Office transmitted your report forwarding, to complete the files of the Department, the records of proceedings had in the Cherokee freedman cases of Emily Thompson (D 73 now 1441) and the consolidated applications of Mary Scott (R 68 now 1351) and Bell Scott (D 186 now 1351).

It appears that the Commission to the Five Civilized Tribes has rendered decisions favorable to these applicants and that the attorneys for the Cherokee Nation have entered no protest against the Commission's decisions.

Said applicants have accordingly been enrolled upon the schedules of Cherokee freedmen opposite Nos. 3922, 3722 and 3723, which schedules have been heretofore approved by the Department.

The Department acknowledges receipt of the records

in said cases and you are advised that they have been returned this day to the Indian Office for its files.

A copy of Indian Office letter is enclosed.

Respectfully,

Thos. Ryan.

First Assistant Secretary.

1 inc. and
3 to Ind. Of.

Through the Commissioner
of Indian Affairs.

AHMc
2-15-07.

Cher Fr 1442
Trans. from Cher Fr D 794

Cher Fr 1442

THE INTERIOR,
FIVE CIVILIZED TRIBES.

FILED
JUN 28 1901

ACTING CHAIRMAN.

SUPPLEMENTAL. D 794.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 21, 1901.

In the matter of the application of Henry May for the enrollment of his wife, Elizabeth, and step-child, Samuel Leek;
HENRY LEEK, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Henry Leek.
Q How old are you? A I am about 31.
Q What is your post-office address? A Nowata.
Q Do you know Albert Leek? A Yes sir.
Q What relation are you to him? A Brother.
Q Do you know Elizabeth May? A Yes sir.
Q Was she ever the wife of Albert Leek? A Yes sir.
Q Were they ever married? A Yes sir.
Q How do you know? A I saw them when they was married.
Q Where were they married? A On Grand river.
Q Who married them? A Minister named Givens.
Q Whose house were they married at? A Her grand-father's, Jesse Rowe's.
Q Is Albert Leek living? A Yes sir.
Q Did Elizabeth and he live together until he died? A Yes sir.
Q Did she have any children? A Yes sir.
Q What are their names? A Simmie, Sammie, Harriet, and Gracy.
Q Is Samuel alive now? A Yes sir.
Q You know him? A Yes sir.
Q Was he born while they were living together as man and wife? A Yes sir.

BY MR. HASTINGS, Cherokee Rep've:

Q Was she ever married before? A No sir.
Q Was Albert ever married before? A No sir.
Q Did Leek have two wives? A No sir.
Q Was he everliving with any other woman as his wife? A I don't know.
Q Wasn't you living there? A Yes sir, I never saw no other woman.
Q Never kept no other woman? A No sir.
Q Never had any other children by any other woman, but this woman? A No sir.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 28, 1901.

D W Needles

Commissioner.

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[illegible]

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 21st 1901.

In the matter of the application of Henry May for the enrollment of himself, his wife and one step child as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Henry May.
Q What is your age? A. 43
Q What is your post office address? A. Dewey
Q In what district do you live? A. Cooweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who do you desire to have enrolled besides yourself? A. Wife and step son.
Q What is your wifes name? A. Elizabeth May.
Q How old is she? A. 26 or 7.
Q What is the name of your step son? A. Samuel Leck.
Q How old is he? A. 14 years.
Q Is your name on the roll of 1880? A. No sir.
Q Is it on any of the rolls? A. Yes sir on the Wallace roll.
Q Did you draw Cherokee strip money? A. No sir.

The Wallace roll of the Cherokee Nation examined and the name of the applicant identifed thereon as follows:
Page 175 No. 5270 Henry Mayes, Cooweescoowee district.

The 1880 authenticated roll examined and the name of the applicant not found thereon.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The Kern Clifton roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q What is your wife's mother's name? A. I dont know.

ELIZABETH MAY called and sworn as a witness for the applicant, testified as follows:

Q What is your name? A. ELIZABETH MAY.
Q What is your age? A. Between 26 or 7 I guess
Q Are you the wife of the applicant Henry May? A. Yes sir
Q Do you know what your mother's name is? A. No sir I dont, she died when I was small
Q Do you know he name of your father? A. Yes sir Daniel Ross.
Q Is he living? A. No sir he is dead, my mother and my father is both dead.
Q Is your name on the 1880 roll? A It ought to be.
Q Were you ever married before you married Henry May? A. Yes sir
Q Who to? A. Albert Leck.
Q What was your name before you married? A. Leck.
Q Did you have a name before you married Leck? A. Yes sir it was Rowe.
Q Was Leck your first husband? A. Yes sir.
Q Is your name on any of the rolls of the Cherokee Nation? A. Yes sir.
Q What rolls? A. Wallace roll.

Q Did you draw your Kern Clifton money? A. Yes sir.

The Kern Clifton roll of the Cherokee Naten examined and the name of the applicant's wife identified thereon as follows: Page 173 No. 4332 Elizabeth Leak, Cooweescoowee district.

Q Did you you draw for your son Samuel Leck? A. No sir it was lost.

The Kern Clifton roll examined and the name of Samuel Leck not found thereon

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's wifenot found thereon.

The 1896 census roll of the Cherokee Nation examined and the names of the applicant's wife and his step son not found thereon.

Q Your son Samuel Leck is not on any roll is it? A. Yes sir on the Wallace roll.

The Wallace roll of the Freedmen of the Cherokee Nation examined and the applicant's wife found thereon as follows- Page 174,No.5343,Elizabeth Leak,Cooweescoowee district.

Q Albert Leck is not on the 1880 roll is he? A. Yes sir.
Q Is he living? A. No sir he is dead.
Q You wasn't married to Albert Leck twenty years ago? A. No sir not that long.
Q Who did you say your father was? A. Daniel Ross.
Q Who was your mother, what was her name? A. Her name was Harriett, but who she belonged to and what other name she had I dont know.

KATY VANN called and sworn as a witness of the applicants, testified as follows-

Q What is your name? A. Katy Vann.
Q What is your age? A. 56.
Q What is your post office address? A. Lenapah.
Q Do you know the applicant's wife Elizabeth Leck? A. Yes sir
Q Her name is May now? A. Yes sir.
Q How long have you known her? A. Ever since she was a child.
Q What was her mothers name? A. Harriett Rowe.
Q Is she living? A No sir
Q How long has she been dead? A. She died in Kansas before I came down, when this applicant was a little child.
Q Was Harriett Rowe a slave? A. I never knew her before the war,
Q Where did you get acquainted with her? A. In Kansas.
Q Where was this applicant born? A. In Kansas.
Q When did this woman, Elizabeth May, come back here? A. In '66.
Q How do you know she came back in '66? A I was at my father's in '67 and they had come down the fall before.
Q Who brought her back? A. My father, he raised her.
Q What relation is she to you? A. I am her aunt.
Q Was her mother your sister? A. No sir, her father was my brother.

Q The first time you ever saw her in the Cherokee Nation was in '67?
A Yes sir.
Q She was born in Kansas? A. Yes sir.
Q Has she lived here ever since she came back? A. Yes sir.
Q You only know as to her return by what you have heard? A. Yes sir.
Q Dis she come back with you? A. No sir.
Q Did she come before you or after you? A. After me.
Q When did you come? A. In the spring of '66
Q Who did her mother belong to before the war? A. I didn't know her mother before the war.

By W. W.Hastings, Cherokee representative;

Q You dont know if her mother was a slave before the war or not?
A No sir I dont know, I suppose she was, her mother was a colored woman, and pretty nearly all the colored people was slaves.
Q You had already come down here the year before and then you went back to Kansas and saw this woman? A. No sir, I came to where my father was living on Spavinaw and saw this woman with him there.
Q You come up on Spavinaw in '67 then? A. Yes sir.
Q Where was this woman then? A. She was there then.
Q Whith whom? A. My father
Q And that was the first time that you ever saw her in the Cherokee Nation?A. Yes sir.
Q How far was that from Dave Rowe's place? A. 40 or 50 miles.
Q Did you ever see this girls father after the war? A. Her father lived in this district, her grand father raised her
Q What was her father's name? A. Daniel Rowe, but my father, Jess Rowe raised her, he was her grand father.
Q Did Daniel Rowe marry a relation of Peter Wards? A. Yes sir his last wife, he has had three wives to die before he did.
Q Where did you see this girl's grandfather that time? A. On Spavinaw in Saline or Delaware district--we called it Spavinaw.
Q Who was he living near? A. Arch Landrum, Alex and Lewis Rowe.
Q In the Rowe settlement? A. Yes sir.
Q Was Millie Frye living there? A. Yes sir, not close though.
Q Who was Jess Rowe living with? A. With his wife.
Q They are both dead? A . Yes sir.

JIM ALBERTY called and sworn as a witness for the applicant, testified as follows-

Q What is your name? A. Jim Alberty.
Q How old are you? A. 70 years old.
Q What is your post office address? A. Gheuteau.
Q Do you know the applicant Elizabeth May? A. Yes sir.
Q How long have you known her? A. For 35 years or so.
Q Did you know her mother? A. No sir
Q Did you know her father? A. Yes sir.
Q What was his name? A. Daniel Rowe.
Q Was he a slave? A. Yes sir.
Q Who did he belong to? A. First he belonged to Dave Rowe and then to Lewis Ross.
Q Did he go out of the Cherokee Nation during the war? A. Yessir
Q Did he take this child with him? A. No sir.
Q When was the first time you saw this chid after the war? A. I didn't see her for some little time, long in 67.
Q When did you see her father for the first time after the war?

A Well it was after that——so I got that wrong, he come first.
Q What part of 67 was it that you saw this applicant? A. Saw her in the fall.
Q How old was she then? A. I dont know, she was small,sir.
Q Who was she with? A. Her grandfather.
Q Who was he? A Jesse Rowe..
Q Do you know where the applicant was born? A. No sir.
Q You didn't know her mother at all? A. No sir.
Q Knew nothing of her mother? A. No sir.

By Hastings:

Q You dont know where her mother died? A. No sir.
Q You swore before didn't you, before the Kern Clifton Commission, that she died along the road? A. No sir I didn't.
Q You swore before that you knew her mother didn't you? A. No sir
Q You swore before that Joe Lynch owned her mother? A. No sir I didn't.
Q You swore before that you saw her father on Big creek? A. Yes sir.
Q Didn't you swear befoe that that was the first time you ever saw him? A. No sir.

The applicant, Henry May recalled and examined by Commissioner T. B. Needles:

Q You are the applicant? A. Yes sir.
Q Were you a born slave? A. Yes sir.
Q Who was your owner? A. Redbird Woodard.
Q Was he a Cherokee citizen? A. Yes sir.
Q What was your fathers name? A. David May.
Q Is he living? A. No sir.
Q What is your mothers name? A. Mariah Woodard.
Q Is she living? A. Yes sir.
Q Was she a slave? A. Yes sir.
Q Who did she belong to? A. The same man I did.
Q Has she been listed for enrollment yet by us? A. No sir not yet
Q Is she here on the ground? A Yes sir right there on the seat now.
Q Did you go out of the Cherokee Nation during the war? A. Yes sir
Q Who with, your mother? A. My father.
Q When did you return to the Cherokee Nation after the war? A. In '66.
Q What part of the Cherokee Nation did you return to? A. On Big Creek.
Q How do you know you returned in '66? A That is what my folks told me.
Q How old was you then? A. Might have been ten years old.
Q Have you lived in the Cherokee Nation continuously since then? A Yes sir.
Q Was you ever married before you married this wife? A. Yes sir.
Q Who was your first wife? A Eliza Dunk.
Q Is she alive? A. Yes sir.
Q You are separated from her? A. Yes sir.
Q Have you been married to any one else? A. No sir.
Q Just married twice? A. Yes sir.
Q Have you any children by your present wife? A. No sir none at all.

By W. W. Hastings—

Q Where were you living before the war? A. I was on Honey Creek , there was where I was born.
Q Your mothers name was Mariah Woodard? A. Yes sir.
Q Near what place on Honey creek did you live? A. I cant tell, I was too young to tell just what place I was near.
Q You dont remember what place it was? A. No sir, I dont.
Q Dont remember much of your surroundings before the war? A. No sir.
Q You went to Kansas before the war? A. Yes sir when the war commenced.
Q Did you come back with your mother? A. No sir.
Q Wasn't you up there with your mother during the war? A. No sir with my father, I left her here.
Q You applied with your mother before the Kern Clifton Commission didn't you? A. She applied for me, but I came back with Peter Hudson.
Q That wasn't your testimony before the Kern Clifton Commision was it? A. Yes sir.
Q That wasn't your mother's testimony was it? A. I dont know.
Q Wasn't you present when your mother applied? A. No sir I wasn't in the house then
Q You claim now that you came back with Peter Hudson? A. Yes sir.
Q Was he any kin to you? A. My uncle.
Q How near was he living to you before the war? A. I dont know I was small.
Q How did you get away from your mother at that age? A. Because my father carried me away and he died in Kansas and gave me to old man Hudson.
Q How long did you live with Peter Hudson after you came back? A Until I come to be of age—a man.
Q Where was Peter Hudson living when you first returned? A. On Big creek.
Q Is that the first that you can recollect of being back? A. Yes sir.
Q Did you come direct from Kansas to Big creek? A. Yes sir.
Q From what place in Kansas? A. Fort Scott.
Q Who was living on Big Creek when you first came there? A. Where the old man first stopped there was Sam Webber, Uncle Billy Foreman, Mike Sanderse
Q They were living there then? A. Yes sir.
Q How far did you stop from Sam Webber's? A. I dont know exactly, how far it was, I was quite small.
Q How long did you stay right there? A We staid there until I got to be a man.
Q How far was that from Sam Webber's? A I dont know exactly.
Q Well was it six miles? A. No sir not that far.
Q How far was it then, about how far? A. About 4 or 5 miles I guess.
Q What direction from you? A. He lived up the creek and we lived down the creek—on the hill.
Q What was your first wife's name? A. Eliza Bush.
Q Who married you to Eliza Bush? A. Man named Coosey.
Q Coosey Baldridge? A. Yes sir.
Q Where, on Virdigris? A. Yes sir.
Q Did you ever live with your mother after the war? A. No sir.
Q Is she living? A. Yes sir.
Q How many years after the war before you saw her? A. I dont knew
Q Was it as much as 5, 6 or 10 years? A Yes sir I guess it was.
Q Where were you married the last time? A. Right on the river here
Q Did Sam Webber have a house there when you came? A. Yes sir.

Q Did Foreman have a house there? A. Yes sir.
Q What was he doing? A. Farming.
Q Did Sam Webber have a crop there then? A. Yes sir.
Q Who else had houses there? A. I dont know all of them.
Q A good many? A. Yes sir.
Q Name them? A. I cant.
Q Did Esau Fox have a house there? A. He didnt live there.
Q What time of the year did you get there? A In '66.
Q In the fall or spring? A. In the fall.
Q Did he build him a house there then? A. Yes sir he built him a house.
Q You was about 10 years of age then? A. I guess I was, I dont know just how old I was.
Q You say Sam Webber and the rest of your neighbors had crops there then? A. I guess the planted it, they was gathering corn when we got there.

SAM WEBBER, called and sworn as awitness for the applicant, testified as follows:

Q What is your name? A. Sam Webber.
Q How old are you? A. About 58 as near as I can get at it.
Q What is your post office address? A. Nowata.
Q Are you a recognized cherokee freedman? A. Yes sir.
Q Do you know the applicant here? A. Yes sir.
Q How long have you known him? A. Ever since old man Hudson brought him to Big Creek.
Q When did old man Hudson bring him to Big creek? A. Brought him long in the latter part of August or the first of September, some time along there, I dont remember exactly, in '67.
Q Did you know who Henry May's father was? A. No sir.
Q Do you know his mother? A., Yes sir.
Q What is her name? A. Mariah Woodard.
Q Was she a slave? A. I suppose so, I didn't know her before the war though.
Q Didn't know her before the war? A. No sir.
Q Do you know who Henry May belonged to before the war? A. No sir
Q The first time you ever knew him was when old man Hudson brought him there in '67? A. Yes sir.
Q Has he been living there ever since? A. I have seen him ever since

By W. W. Hastings-

Q Has he lived here ever since? A. I have seen him off and on ever since.
Q Do you know of him leaving there? A. He came to Virdigris river.
Q Do you know of him leaving the Cherokee Nation and going to Kansas? A. No sir.

BEN GRIMMETT, called and sworn as a witness for the applicant, testified as follows-

Q What is your name? A. Ben Grimmett.
Q What is your age? A. 65.
Q What is your post office address? A. Nowata.
Q Do you know the applicant here? A. Yes sir.
Q How long have you known him? A. I have known him since peace has been made, when they came home.

Q Did you know his father? A. No sir.
Q Did you know his mother? A. Yessir.
Q What was her name? A. Mariah
Q Mariah What? A Redbird.
Q Was she a slave? A. Yes sir.
Q To whom did she belong? A Redbird.
Q Was he a Cherokee citizen? A Yes sir.
Q Who did Henry May belong to? A. The same man .
Q You know that do you? A. Yes sir.
Q You knew them before the war? A. Yes sir.
Q Did the father of Henry May go out of the Cherokee Nation during the war? A I dont know.
Q Did Henry go out? A Yes sir.
Q When was the first time you saw Henry after the war? A. I seed him in the fall of '66.
Q How do you know it was? A I knew it.
Q What you knew, you knew? A Yes sir.
Q Where was this that you saw him? A. On Big creek up there.
Q Who was he with? A. With Sam Webber and uncle Billy Foreman
Q Do you know who brought Henry back from Kansas? A. No sir.
Q The first time you saw him was at Sam Webbers'? A Yes sir.
Q At his house? A. No sir at Billy Foreman's house, but Sam was there
Q You think it was in '66? A. Yes sir it must have been
Q Must have been—why? A It was in the fall of '66
Q This is a very important matter and you ought to be certain about it? A. I am certain about it.
Q You and Sam Webber saw him about the same time did you? A. Yes sir.

By W. W. Hastings—

Q You knew his mother before the war? A. Yes sir.
Q You met her frequently? A. Yes sir.
Q Where did you live before the war? A. In Flint.
Q That is just across the line from Evansville, Arkansas where you lived is it? A. 15 miles north of Tahlequah.
Q Where did this man's mother live then? A. On Honey creek.
Q That is in Delaware district? A. Yes sir.
Q That was 75 or 100 miles from where you lived? A. No sir not quite that far.
Q You was up there before the war was you? A. Yes sir.
Q You was at her master's house? A. Yes sir me and my boss used to go there.
Q You swore before the Kern Clifton Commission that you never was in Delaware district before didn't you? A. No sir.
Q Were you on Honey creek before the war? A. Yes sir.
Q Well describe the kind of house this woman's master lived in then
A I cant.
Q Because you never saw it, isn't it? A. Yes sir I saw it all right enough, but I dont remember what kind it was, I never paid much tention to such things then.
Q You dont know which side of the creek they lived on do you? A. No sir, I never noticed it.
Q Because you wasn't there at all? A. Yes sir I was there.
Q Didn't you swear before the Kern Clifton Commission that you never was in Delaware district? A No sir.
Q What kind of a looking man was her master? A. He was a Cherkee.
Q What was his name? A. Redbird.

Q What was his first name? A. I dont know.
Q Did he have a wife? A. Yes sir.
Q What was her name? A. I dont know.
Q Did they have any children? A. Must have had.
Q Do you know their names? A. No sir.
Q Did he have any other slaves besides these? A. No sir, I never saw them if he did.
Q You are the fellow that was hitched up to a stump at Tahlequah and publicly whipped after the war aren't you? A. I wasn't.
Q Weren't you whipped there for stealing? A. No sir, and I can prove it.
Q Why haven't you been denying it all this time then, why have you been refusing to answer it if you were not whipped? A. I wont answer nothing that was not lawful.
Q Well were you whipped for stealing or not? A I wont answer that.
Q You refuse to answer that? A. I wont say nothing about that, but I can prove it I wasn't, you just call that man over there and ask him about it, and if he says I was then I was and if he says I wasn't then I wasn't.
Q Where did you see this applicant for the first time after the war
A On Big Creek.
Q At whose house? A Uncle Billy Foreman.
Q Was his mother there? A. Yes sir, he and his mother.
Q He and his mother? A Yes sir.
Q He was living there with his mother was he? A. Yes sir.
Q He has just sworn that he never saw his mother until five or six or maybe ten years after the war, how about that? A. (No response)
Q Was this uncle Billy Foreman a colored man? A Yes sir he was my uncle.

Applicant Henry May recalled and examined by Commissioner T.B. Needles as follows:

Q Have you ever lived outside of the Cherokee Nation since you came back here? A. No sir.
Q Never lived in Kansas since? A. No sir right here.

By Com'r Needles,-

The applicant, Henry Mays applies for himself, his wife, Elizabeth and for one step child Samuel Leek. He avers that he is the child of one David May and one Mariah Woodard, that he was a slave of a Cherokee citizen, was taken out of the Cherokee Nation during the war, went to Kansas and returned in the year 1866 to the Cherokee Nation. His name cannot be found on the authenticated roll of 1880 or the census roll of 1896 or the Kern Clifton roll; he is identified on the Wallace roll. His wife Elizabeth, cannot be identifiedon the authenticated roll of 1880 or the census roll of 1896, but she is identified on the Kern Clifton and Wallace rolls. His step son, Samuel Leek, cannot be identified on any of the rolls of the Cherokee Nation now in the possession of the Commission. Reference is made to the page and number of the rolls as to the identification of the parties as named . The applicant avers that his wife Elizabeth was born in Kansas, that she was a slave , that her mother died in Kansas, and that she was brought back to the Cherokee Nation when a child and has lived here ever since. She herself avers that she was first married to one Albert Leek, by whom she had one child, Samuel Leek, and reference is made

to the testimony as to the matter of his citizenship. They are all identified and make satisfactory proof ante residence. Now the said Henry May, his wife Elizabeth, and his step son, Samuel Lock, will be listed for enrollment as Cherokee freedmen on a doubtful card. It will be necessary for him to file with this Commission satisfactory proof of birth of the step child Samuel Lock, his name not being one any of the rolls, ~~[illegible]~~ The applicant will be notified by mail of the final decision of the Commission.

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ADDITIONAL TESTIMONY for APPLICANTS.

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Elizabeth May recalled and examined by Com'r Needles.

Q To whom were you first married? A. Albert Lock.
Q Was his name on the roll of 1880? A. I guess so.

The 1880 authenticated roll of the freedman citizens of the Cherokee Nation examined and the name of the father of the applicant's step child, Samuel Lock, identified thereon as follows:
Page 150 No. 1671, Albert Lock, Geowoescoowee district.

Q What proof of marriage have you between yourself and Albert Lock? A. Haven't any now.
Q Where were you married? A. On Grand river.
Q In the Cheroke Nation? A. Yes sir.
Q Who married you? A. A white minister there.
Q What was his name? A. John Givens.
Q Is there any one living who saw you married? A. Mr. Lock's mother and brothers.
Q Are they living? A. Yes sir.

By Com'r Needles,-

It appears from a further examination of the rolls that the name of Albert Lock is found on the authenticated roll of 1880 according to the page and number of the roll as indicated in the testimony, and the applicant's wife Elizabeth May swears that she was at one time married to the said Albert Lock, and that the said Samuel Lock, the boy now being applied for, is the son of the said Albert Lock by her marriage to him, but no satisfactory proof at this time is presented as to the marriage of the parents of the boy Samuel Lock, and it will be necessary to legitimatize said Samuel Lock, in other words, prove that he is the son of the said Albert Lock and Elizabeth May by lawful marriage.

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Chas. von Weise, being sworn states that as stenographer to the above named Commission he reported in full, all proceedings in this case and the foregoing is a full and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this 1st of July, 1901 at Nowata, I.T.

Commissioner.

CHEROKEE FREEDMAN ~~D994~~

C.F. 1442 20

F.L. 1994

IN RE

Application for Enrollment of

INFANT CHILD

Samuel Lick

as a citizen of

CHEROKEE Nation.

#1142

Approved JUN 21 1901 190

Commissioner.

FILED
JUN 1901

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Samuel Suk, (Here insert name of child) born on the 10 day of December, 1887

Name of Father: Albert Suk, a citizen of the Cherokee Nation.

Name of Mother: Elizabeth May, a citizen of the Cherokee Nation.

Post-office, Dewey I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, Elizabeth May, on oath state that I am 37 years of age and a citizen, by adoption, of the Cherokee Nation; that I ~~am~~ was the lawful wife of Albert Suk, who is a citizen, by adoption, of the Cherokee Nation, that a male (male or female) child was born to me on the 10 day of December 1887; that said child has been named Samuel Suk, and is now living and the attending midwife is dead.

Elizabeth her × mark May

WITNESSES TO MARK (Must be Two Witnesses)
A S McRae
Isaac Rowe

Subscribed and sworn to before me this 21 *day of* June 1901.

Louis F. Brown
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, , a , on oath state that I attended on Mrs. , wife of , on the day of , 1 ; that there was born to her on said date a (male or female) child; that said child is now living and is said to have been named

WITNESSES TO MARK (Must be Two Witnesses)

Subscribed and sworn to before me this *day of* 190 .

NOTARY PUBLIC.

Cherokee Freedmen D 794

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment, among others, of Samuel Leek, as a Cherokee Freedman.

--:--

The records of this Commission show that on June 21, 1901, at Nowata Indian Territory, application was made for the enrollment, among others, of Samuel Leek, as a Cherokee freedman, and that the said Samuel Leek was duly listed for enrollment on Cherokee freedman Doubtful card No. 794.

The records of this Commission further show that one Albert Leek, deceased, who is duly identified on the Cherokee authenticated tribal roll of 1880, is the father of the applicant, Samuel Leek; and that the said applicant, Samuel Leek, was born in the Cherokee Nation since 1880, and has continuously resided in said Nation since birth, and is identified on the Cherokee census roll of 1893.

It is, therefore, ordered by this Commission that the enlistment for the enrollment of said Samuel Leek as a Cherokee freedman on Doubtful card No. 794 be cancelled, and that he be listed for enrollment as a Cherokee Freedman on a straight card.

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR 11 1905

Cher Fr 1443

Trans. from Cher Fr D445

Cher Fr 1443

L E D
1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. May, 31st 1901.

In the matter of the application of Georganna Thornton, for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A. Georganna Thornton.
Q What is your age? A I can't think of it.
Q About how old are you? A. I can't even guess.
Q Abour 70 somewhere along there? A. Yes sir I guess that is it.
Q What is your post office? A. Chelsea.
Q Do you live in Cooweescoowee district? A Yes sir.
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Do you want to enroll anybody besides yourself? A. Just myself.
Q How long have you lived in the Cherokee Nation? A. I has always lived in the Cherokee Nation.
Q Give me the name of your father? A. John Fields.
Q Is he dead? A. Yes sir.
Q How long has he been dead? A. He died after the Wallace roll.
Q Give me the name of your mother? A. I dont know my mother, she was sold when I was little.
Q Were you a slave in the Cherokee Nation when the war broke out? A Yes sir.
Q To whom did you belong? A. Amos Thornton.
Q Was he a well known Cherokee citizen? A. Yes sir.
Q Where were you during the war? A. Fort Gibson.
Q Were you there all during the war? A. Yes sir.
Q Didn't go out at all during the war? A. Yes they took me out to Springfield, Missouri, and we spent a winter there and then come back, in the spring.
Q Was the war going on when you were in Springfield? A, Yes sir.
Q You have been married have you? A. No sir I is not married.
Q You have been married though? A. Yes sir.
Q How many times? A. Once.
Q To whom were you married? A. A State raised man.
Q Give me his name? A. Toney Wright.
Q Where did you marry him? A. On the Virdigris river.
Q When did you marry him? A. I cant tell you the year.
Q Was it after the war? A. Yes sir.
Q How long after the war? A. Long time after the war, cant tell you the year.
Q You have a daughter who just applied? A Yes sir that was my daughter.
Q What is her name now? A. Elizabeth Bowlen.
Q Give me the name of her father? A. Amos Thornton, that was my master.
Q There was never any marriage between you and this woman's father? No sir.
Q How long after the war was it when you married Toney Wright? A 5 or 6 years.
Q Is Toney Wright dead? A. He is out in Oklahoma somewhere, he run away from me.
Q How long did you and he live together? A. A year.
Q And you have never married since then? A. No sir.
Q Do you remember what year they brought you back from Kansas? A Never went to Kansas.
Q Well Springfield then—in Missouri? A. No sir I dont remember the year.
Q Where have you lived since they brought you back? A. At Fort Gibson.
Q All the time? A. Yes sir, working in and out of there.
Q Where did you work out of Fort Gibson? A. At Fort Sill.

Q Then where? A. Then back to Fort Gibson.
Q Where else? A. No where else.
Q Ever work in Parsons? A Yes sir worked up there two or three months, once.
Q Anywhere else except these places you have mentioned? A. Yes sir at Tahlequah.
Q I mean outside of the Cherokee Nation? A. That is all..
Q Have you always gone by the name of Thornton? A. Yes sir.

Applicant not found on the authenticated roll of 1880.

Applicant not found on the census roll of 1896.

Q Did you draw strip money? A Yes sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 103, No 2573, Georgeann Thornton, Cooweescoowee district.

Wallace roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 142, No. 2965, Georgianna Thornton, Cooweescoowee dist.

Q Have you ever applied for admission to the United States Court, or the Cherokee Council or Commission, or anything of that sort? A I dont understand you.
Q Have you ever applied to be recognized as a Citizen of the Cherokee Nation except on the Wallace and Kerns-Clifton roll? A. Yes sir
Q Where? A. Fort Gibson.
Q To what did you apply there? A. When the payment was.
Q How comes it that you are not on the 1880 roll? A. I dont know, I ought to be down there.
Q Did you ever get a paper from any court of any body of men, saying that you were readmitted or admitted to citizenship, or recognized as a Cherokee freedman? A. No sir.
Q Have you ever applied to be enrolled by any other tribe or nation as a freedman? A. No sir.
Q Didn't you take your daughter who just applied, to Kansas to get married? A. Yes sir.
Q Did you stay there until she got married? A. Yes sir.
Q Did you come back when she come back? A. Before she did.
Q Did you ever go up there any time other than that to visit your daughter? A. Yes sir.
Q Where to? A. Parsons.
Q How many times did you go up there? A. Just once.
Q How long was that before your daughter was married? A. I went there after she was married.
Q Did you ever go up there to visit her before she was married? A No sir.

By W. W. Hastings, Cherokee attorney:

Q Who did you live with at Fort Gibson just after the war? A. I lived with the officers in the garrison, and worked and then would go home.
Q Where was your home? A. Right where Florain Nash has his store, my master had his home there.
Q And you lived with him? A. Yes sir.
Q How long did you live with him after the war? A. 3 or 4 years.
Q Did Amos Thornton have any family? A. Yes sir.
Q What is his wife called? A. Menerva Vann now, she is Senan Vann's

wife now, and she had a son named Lewis.
Q He knows of your staying down there does he? A. Yes sir
Q Mrs. Conan Vann and Lewis Thornton would all about you just after the war and would know of you ever since wouldn't they? A. Yes sir
Q When did you go to Fort Sill? A I cant tell you the year.
Q Who did you go with? A. With the officers, Major Forsythe, that was in the Territory then.
Q Was your daughter Eliza Bolin with you? A. Yes sir.
Q You staid there 6 or 7 years didn't you? A. 3 or 4 years, I cant count in years or days; I would just go and come when it got good, and I never kept no count when I would come or go.
Q Did you ever have a home at Fort Gibson of your own? A. Yes sir, right in sight of where Mr. Buskyhead used to live.
Q Did you live there when Mr. Buskyhead used to livethere? A. Yes sir, I waited on his wife when she died.
Q Did you ever live in Kansas? A. No sir I never did live there.
Q Where have you been living during the last ten years—after you left Fort Gibson where have you lived— where are you living now? A. On Proper Creek
Q How long have you been living there? A. Ever since my daughter has been living there.
Q Are you living with her? A. Yes sir.

By Com'r Breckinridge,-

The applicant states that she has lived in the CherokeeNation all her life except a brief period of absence during the Civil war; her further testimony indicated that she has spent some years at Fort Sill; she is identified on the Wallace and Kerns-Clifton rolls, but not upon the 1880 roll or the census roll of 1896; for the further consideration of her case, she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and when the final decision of the Commission is reached she will be notified thereof at her post office address.

* * * * * * * * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 3rd day of June, 1901 at Chelsea, I. T.

Commissioner.

6 No. 445

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 31 1901

ACTING CHAIRMAN

C

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 31, 1901

Post Office Chelsea I.T.

District Coowescoowee

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

1. Name of wife Georgeanna Thornton Age ~~75~~ 70

Owner's name Tobias Thornton Citizenship Cherokee

Year 1896 Page 103 No. 2573 District Cow

Parents:

Father John Fields — dead Citizenship Cherokee Freedman

Mother Citizenship Cherokee Freedman

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by Ma. Stenographer Chas. von Weise

1 On 1896 roll as Georgeanna Thornton
1 " Wallace. Page 142 # 2905 — Georgianna Thornton Cow Dist.

MAY 31 1901

6. F.D. 4443

F. D. .....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of .....A. D. 190.

Given under my hand this .....

day of .....A. D. 190.

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the .....day of ....., 190 .

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the day of ..... A. D. 190...

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

NOTICE!

IN THE MATTER OF the application of George Ann Thornton for enrollment as Cherokee Freedmen:

Case No. F. D 445

To George Ann Thornton, Vinita, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 2d at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 28th 1901.

R. B. Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

70445

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 7 1901

ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I.T. Oct 7, 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Georgianna Thornton for enrollment as Freedmen of the Cherokee Nation.

Louis T. Brown Clerk
Agent for applicant

No. C.N.D. Hearing

FR445

DEPARTMENT OF THE INTERIOR,
ISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 8 1901

ACTING CHAIRMAN

Supl.C.F.D.#445.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 2d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of GEORGEANNA THORNTON as a Cherokee freedman, introduced on the part of the Cherokee Nation:

APPEARANCES:
Mr. J. S. Davenport for Cherokee Nation.

There is filed in the case a notice of the taking of testimony beginning at eight o'clock this day and indorsement shows that the notice was served on applicant on the 30th of september by John Parks, Marshall of the Cherokee Nation.

LEWIS R. THORNTON, being duly sworn by Commissioner Breckinridge Needles, testified as follows:

MR. DAVENPORT: Give your full name please? A L. R. Thornton.
Q How old are you, Mr. Thornton? A I am 64 years old, I was born in '37.
Q What is your post office? A Fort Gibson.
Q How longhave you lived in the Cherokee Nation? A I was born in the Cherokee Nation.
Q Have you lived here all your life? A Yes, sir.
Q What was your father's name? A Amos.
Q Where did he live at the breaking out of the war?
A Illinois district.
Q Well, after the close of the war, was your father living at the close of the war? A Yes, sir.
Q Where did he live then? A At Fort Gibson.
Q Did your father own a slave at the breaking out of the war by the name of Georgeanna? A Yes, sir.
Q Did she leave the Cherokee Nation, or go away from your father's place during the war? A She left him in '64; no, '63 when out with the Command and came bak as well as I remember in 1864. She was living with us and her father come and got her sometime in 1864 and took her away and I never saw her any more.
Q Well, at the close of the war she she around your father's place, there at Fort Gibson? A Not that I know of.
Q What were you doing yourself after the close of the war, if you were engaged in any mind of business? A For a while I stayed in the Commissary Department and a while I was in the Butcher business.
Q Selling meats to the people around Fort Gibson? A Making contrasts with the Government.
Q How long were you engaged in the butchering business, and contracting with the government around Fort Gibson after th close of the war? A I don't know how long I butchered, I moved out of Fort Gibson in '67, in February.
Q Well, from the time the war closed up to the time you moved out on the bayou in 1867, had Georgeanna Thornton, who was the former slave of your father, returned to Fort Gibson and lived near where Florine Nash's store is now? A No, sir
Q Well, are you able to state whether or not Georgeanna ever returned after the war and lived with your father at either Fort Gibson or near Fort Gibson? A She never did come and live there.
Q Now, about how many years after the war before you saw or heard of Georgeanna being back in the country?
A I could not tell you; about five or six years after I moved out on the bayou.
Q It was five or six years after you moved out on the bayou and what year was it you moved out there? A I moved in '67, February.
Q And you know that she didn't return and live with your father since the war where Mr. Nash's store is? A No, sir, my father

lived with me.
Q Had you any sisters? A One.
Q What was her name now? A Mrs. Elizabeth Thompson.
Q Mrs. Conong Vann was she your sister? A Step-mother.
Q And your father lived there with you and she didn't come back there and live with you? A No, sir.
Q Were you gornw when the war broke out? A Yes, sir, I was 24 years old, I enlisted when I was 24 years old.
Q Did you know whether or not that Georgeanna Thornton ever had a home at Fort Gibson after the war? A No, sir, I don't think she ever had any.
Q Do you know of her residing there at any time? A I don't know.
Q You have resided at Fort Gibson and near there ever since the war haven't you, Mr. Thornton? A Yes, sir, I have lived there off and on.

COM'R BRECKINRIDGE: Where were you at the close of the war?
A I was at Fort Gibson, I was mustered out.
Q What year was that in? A '65, May.
Q Where were you the next five or six years after that? A I was right there at Gibson, more or less all the time.
Q Well, where were you making your home for five or six years after you were mustered out? A I moved as I said in '67 on the bayou and then before I moved I was living at Fort Gibson.
Q How far is that? A About two miles and a half, called it three miles.
Q That was in February, 1867? A Yes, sir.
Q Were you living with your father in Gibson before that?
A My father lived with me.
Q You and your fatherlived together? A Yes, sir, me and my wife.
Q That is from the time you were mustered out until Febryaryk 1867, when you moved out on the bayou, and then you only lived two miles and a half? A Yes, sir.
Q When do you first remember seeing this woman, Georgeanna Thornton, after the war closed? A Well, I don't know exactly, I could not give it, five or six years thought after she come out there where I had lived and she had just come back from somewhere.
Q Come out on the bayou? A Yes, sir.
Q And she never lived with you or your father after the war closed?
A No, sir, but she lived with us a while during the war.
Q That was after she went off with your father in 1864?
A Yes, sir.
Q How long had you been living out there on the bayou before she came? A I don't know, five or six years, maybe more.
Q Now, she left you all in '64 did she, while the war was going on? A Yes, sir, father took her off.
Q And you didn't see her and know anything about her until you saw her out on the bayou some five or six years? A Yes, sir.

Com'r Breckinridge: This will be filed as supplemental testimony in the case of Georgeanna Thornton, Cherokee Freed man doubtful card #445.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 8th, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 11 1901

ACTING CHAIRMAN

Supl.C.F.-D.#445.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA? I.T., OCTOBER 7th, 1901.

SUPPLEMENATL TESTIMONY in the matter of the enrollment of GEORGEANNA THORNTON as a Cherokee Freedman, introduced on part of Applicant:

APPEARANCES:
L. T. Brown, Agent for Applicant;
W. W. Hastings, of Counsel for Cherokee Nation.

Mr. Hastings of Mr. Brown: What do you expect to prove?
Mr. Brown: Ownership and return.

Mr. Hastings: Comes now the presentatives of the Cherokee Nation and protest abaint the taking of this testimony for the reason that testimony was taken in this case upon these points, viz: Ownership and return, on the 31st day of May, 1901, at Chelsea, and that opportunity for the taking of additional testimony was given during all the month of June and month of September, 1901, and that none was offered until after the Cherokee Nation offered testimony on the 2d day of October, 1901, and that these points upon which testimony is desired now to be introduced is not rebuttal testimony, but is testimony upon the original points at issue.

PATSY JOHNSON, being duly sworn by Commissioner Needles, testified as follows on part of Applicant:
MR. BROWN: State your name? A Patsy Johnson.
Q What is your age? A I expect I am about 52.
Q Post office address? A Fort Gibson.
Q Are you a recognized citizen of the Cherokee Nation? A Yes,sir.
Q Is your name on the 1880 roll? A Yes, sir.
Q Do you know Georgeanna Thornton? A Yes, sir.
Q How long have you known her? A Ever since the war.
Q Do you know where she was at the close of the war? A In Fort Gibson.
Q How long did she continue to remain in Fort Gibson after the close of the war? A I don't just remember how long; she was working in the Garrison, I don't know how long.
Q Do you know where she was in the year 1866? A In Fort Gibson.
MR. HASTINGS: What year is this? A 1891.
Q 1891? A Yes, sir.
Q What year did we have that last cherokee payment? A I don't remember.
Q What year did Mr. Wallace make the payment? A I don't know.
Q what year were you born? A I don't know.
Q what year were you married? A I don't know that.
Q What year was your first child born? A No, sir.
Q You don't know a year in the world? A Yes, sir.
Q '66? A Yes, sir, I do know that my first child was born in '68 on the bayou; that's one thing I always remember.
Q What kin is this woman to you? A She is my first cousin.
Q You never testified for her before did you?
A No, sir, wasn't called on.
Q Where did you live? A I live on Four Mile Branch, not exactly on Four Mile Branch, on the other side.
Q How far from Fort Gibson? A Four miles.
Q How old are you now? A 52.
Q What was your father's name? A Peter Sanders.
Q Where were you living the first year the war closed? A Fort Gibson.

Q In the town? A Yes, sir.
Q With whom was she living? A Aunt Nancy Thornton.
Q She is dead is she? A I think she is.
Q How long did she live with Aunt Nancy? A I could not say, she never lived any one place long.
Q Was she ever up at springfield, Missouri? A Yes, sir, there is where she come from when she come to Gibson, come with the soldiers.
Q The soldiers remained there for about 20 years after the war?
A Yes, sir; I think so.
Q Did you ever see this woman up in Parsons? A No, sir.
Q Di you know whether she ever worked up there or not?
A Yes, sir, I think she said she did; when she was at my house I don't know how long that has been, claimed she had a girl going to school.
Q Do you know Lewis Thornton? A Yes, sir.
Q What kin is Lewis Thornton to her Master? A Is her Master's son.
Q Where was Lewis Thornton living in 1865 and 6? A He was living in Fort Gibson, I think he was butchering for Mr. West.
Q Well, Lewis Thornton would know where this woman was, wouldn't he? A I don't know whether he would or not, sometimes she would visit us when she would not visit Lewis Thornton.
Q It was a small town wasn't it? A Yes, sir.
Q How long did this woman ever live about Fort Gibson?
A I could not tell you the date just exactly.
Q Live there as much as a year? A Oh, longer than that.
Q Well, your best judgment? A I could not say just exactly, she was there up until she went with the officers to Fort Sill I think.
Q well, when was that? A That must have been about '68 I think, it was the year before my girl Fanny was born.
Q '67 then? You said your girl was born in 1868? A Yes, sir, that is right.
Q She left there in 1867? A No, sir, I think she was living there on the river I think.
Q I thought you said she left the year before your child was born?
A Yes, sir, she would go and would come and go, but she was in here at Fort Gibson.
Q Where is she living now? A I don't know.
Q How long has it been since she lived at Fort Gibson?
A I don't know really how long it has been.
Q Well, has it been 30 years since she left there? A No, sir.
Q 20? A No, sir.
Q How long then? A It has not been that long; you have got me kinda thinking; I told you when she come to my house and stayed a while.
Q How long did she stay at your house? A She stayed there two or three months.
Q Have a ny children then? A No, sir, she only had one.
Q Where was it born? A Born right here in Fort Gibson.

ALECK Nivens being duly sworn by Commissioner Needles, testified as follows on behalf of applicant:

MR. BROWN: State your name? A Aleck Nivens.
Q Your age? A About 60.
Q What is your post office? A Fort Gibson.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880?
A My name appears upon every roll that you can find.
Q Do you know Georgeanna Thornton? A Yes, sir.
Q To whom did she belong at the beginning of the war? A Amos Thornton.
Q Was Amos Thornton a citizen of the Cherokee Nation by blood?
A Well, I don't know; he claimed to be a citizen of the Cherokee Nation.

Q Do you know whether or not Georgeanna Thornton went out of the Cherokee Nation during the war? A Yes, sir.
Q Where did she go? A She went up to Cane Hill.
Q With whom did she return? A She come back with the regiment, that is the Command, the whole Command.
Q Were you along? A Yes, sir.
Q Do you know where she was in the year 1866? A She was at Gibson.
Q In the Cherokee Nation? A Yes, sir.
MR. HASTINGS: How old are you? A I am about 60.
Q What year did Wallace make that payment? A I don't know exactly what year it was, knowed too but I forgot, I can't keep remembrances or nothing.
Q Is Georgeanna Thornton any kin to you? A No, sir.
Q Do you know Lewis Thornton? A Yes, sir.
Q What kin was he to Amos Thornton? A Amos Thornton's son.
Q Where was Lewis Thornton in 1865 and 6? A He was there at Gibson.
Q In the town? A Yes, sir.
Q How big a town was Fort Gibson then? A It wasnnot such a big town, I could not tell the miles distance or yards.
Q Any bigger than it is not? A Might have been a little bigger.
Q Well, it is five or six hundred now? A I don't know, I never counted the houses.
Q Well, what is your best judgment? A I could not tell exactly.
Q Did yo u say you wasn't any kin to this woman? A No, sir.
Q Did you testify for her five years ago? A No, sir.
Q Didn't testify for her down to Fort Gibson the other day?
A No, sir never was called up for her before.
Q Did Lewis Thornton have any position with the soldiers there in 1866? A If he had any I don't know; some of them says he did but if he did I don't know.
Q Soldiers up there in the Garrison? A Yes, sir, they were up there in the Garrison.
Q Now, where was this woman, what was she doing?
A Well, when I lived there Georgia was just staying in a little log hut on the bank of the river.
Q By herself? A No, her and an old lady by the name of old Aunt Mollie Rankins' daughter.
Q What time did you leave there? A I went away from there along, I think it was in '67 when I went off.
Q What time did you see them there first? A I saw them there in '63 and '66 and '67.
Q Saw her there in '64? A Yes, she was there in '64.
Q '63? A Yes, sir, we brought her here, we brought her down there in the Nation in '63.
Q And she continued to live there until after you left there?
A Yes, sir.
Q What time did you leave there? A I left there along about '67.
Q Do you know what time of the year? A No, sir; I don't.
Q Know whether it was in the spring or fall? A It was kinda in the fall.
Q How long after the war was over? A I don't know.
Q What was you doing in those two years? A Well, I went down in the bottom and farmed a littlex.
Q Who for? A Myself.
Q Did you own a farm down there? A No, sir, I was working on a little patch the Creeks left there during the war, they xxx used to farm and I was working on it.
Q You saw Lewis Thornton there at the same time?
A Yes, sir, saw him there all the time.

L. D. DANIELS, being duly sworn by Commissioner Needles, testified as follows, on part of applicant:

MR. BROWN: State your name? A L. D. Daniels.

Q Your age? A 56.

Q Post office? A Lenapah.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Is your name upon the authenticated roll of 1880? A Yes, sir.

Q Do you know Georgeanna Thornton? A yes, sir.

Q To whom did she belong at the beginning of the war?

A Amos Thornton.

Q was Amos Thornton a citizen of the Cherokee Nation by blood?

A Yes, sir.

Q Did Georgeanna Thornton go out of the Cherokee Nation during the war? A If she did I don't know it.

Q Do you know where she was in the year 1866? A Yes, sir.

Q where? A Fort Gibson.

Q In the Cherokee Nation? A In the Cherokee Nation.

MR. HASTINGS: You testified in the Andrew T. Watie case D. #502? A Yes, sir, I did.

Q You said you saw him here i n the Cherokee Nation in 1866?

A Yes, sir.

Q He came back to the Cherokee Nation with General Stand Watie?

A I didn't say who he came back with.

Q That was in 1866? A Yes, sir, in the fall of 1866.

Q where did you see him? A At the ranch, at the Porum Gap.

Q Ablut the Tom Starr place? A Above .

Q How far from the Tom Starr place? A Probably four or five miles, probably further than that.

Q I will ask you who he was with when you saw him? A I didn't know the men, one or two Cherokee fellows had a bunch of hogs there.

Q Well, did you testify for this Joe Lynch, the one known as little Joe? A Lived up here?

Q Yes? A No, sir, I ~~xxxx xxxx~~ didn't, not as I know ofp I don't know as I ever testified for this little Joe Lynch that is over here to Lightning Creek.

Q Well, any Joe? A Not as I know of, there is so many of them, I don't know what I am talking about.

Q With whom was Georgeanna Thornton living when you knew her after the war in Fort Gibson? A Well, sir, she was right with the army; Second Regiment fcamped at Fort Gibson, Cherokee Nation, sir.

Q Up there in the Garrison? A No just below the garrison on that little draw.

Q Did they remain~~xx~~ there? A Part of the time.

Q How long? A I found them there in February, '66.

Q was Georgeanna Thornton with them? A Yes, sir, she were there, and then we moved down to the Salt Lick about 20 miles from there and Dan Pinder's wife and I hauled her in my wagon Bob Ross' baggage was in.

Q That was in '67? A That was in the fall of '63.

Q I am trying to get after the war; where was she right after the war? A Right in Fort Gibson.

Q After the war? A Right there with the soldiers.

Q With whom was she living at that time? A She was staying with Nancy Thornton.

Q Now, in what part of town was Nancy Thornton living? A Nancy Thretnton lived about a 150 yards probably from where Mrs. Davis lives in this direction.

Q Well, north, east or south from the Garrison? A No, from the old garrison ~~xxxxxxxx xx~~ used to be where the railroad runs, at that time that was the town.

Q Well, how long did you see her living there? A I left there I believe; let's see, the 10th Cavalry come there in '67 and she was doing the laundry work for them up in the garrison and if I mistake not she was there in the spring of '68, for they left two Companies there.

Q well, then where did she go? A I think she married a man that belonged to the army and I think she went to Kansas, I don't know where she went, wherever the soldiers went.
Q Did you see her after that date? A Yes, sir.
Q when? A I seen her when Jess Bushyhead was going to run was Chief.
Q Was that the first time you had seen her, A I seen her before that.
Q When was that? A Let's see I moved from there in 1875 and I got a school in '78, well I met her there in Gibson in '78.
Q That was the next time you had seen her? A Yes, sir.
Q Now, from the time she left in 1868 you never saw her until 1878? A I say that I moved from there in 1875 and I seen her twice after I moved frlm there, and I seen her the third time in '78.
Q Now, she lived there in '68 with the soldiers? A Yes, sir.
Q when did you see hernext? A I seen her about, it must have been '70 something before I moved from there, might have been '72 or 3.
Q Well, do you mean that this is when you moved or saw her? A I seen her after she first left Fort Gibson and went with the soldiers she come back there.
Q When was that? A That was in 72 or 3.
Q How long did she stay there? A I don't know.
Q How long did you see her there? A I saw her there once or twice, I was living five miles from Fort Gibson.
Q When did you move out five miles from Gibson? A I moved the 5th day of July, 1867.
Q And did you continue to live out there until you left Fort Gibson?
A I continued so, but I was in Fort Gibson more so than I was out home.
Q But you never saw this woman from 1868 until this time, '72 or 3?
A No, sir.
Q Now, after you seen her in '72 or 3 when was the next time you seen her? A I think it was in '78 or '9.
Q where did you see her then? A Right at the picknic ground, I think it was in '79 I met her there at the Fair ground, I met her there with Joe.

Mr. Brown? A I would like to have this testimony made part of the record in the case of Elizabeth Boland, D.#444.

---oooOOOooo---

J. O. Rosson, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson.

Subscribed and sworn to before me this October 11th, 1901.

Commissioner.

Cherokee Freedmen

D 4 4 5

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., MARCH 31, 1903.

In the matter of the application for the enrollment of Georganna Thornton et al. as Cherokee Freedmen:

SUPPLEMENTAL STATEMENT.

From an examination of the Cherokee Census Roll of 1867, made under authority of Article Twelve, Section One, of the Treaty of 1866, it appears that the applicant, Georganna Thornton, is identified thereon at page 223, Illinois District.

It is ordered that this statement be filed with and made a part of the record herein.

W E Hainey
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

JAC.

CR.

In the matter of the application for the enrollment of Elizabeth Bowlin et al. as Cherokee Freedmen, consolidating the applications of

Elizabeth Bowlin et al----------Cherokee Freedmen D 444.
Georganna Thornton----------Cherokee Freedmen D 445.

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Elizabeth Bowlin, for herself and minor children, Henrietta, William H., Eunice C., Helen F., Doda C., Leonard E. and Sophia A. Bowlin, and by Georganna Thornton, for herself. The application of the said Elizabeth Bowlin et al. also included John L. Bowlin, husband of said Elizabeth Bowlin, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons applying for enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said John L. Bowlin is not embraced in this decision.

The evidence shows that the applicant, Georganna Thornton, was the slave of a Cherokee citizen at the commencement of the rebellion; that, during said rebellion, she left the Cherokee Nation but returned thereto in 1866.

The applicant, Elizabeth Bowlin, is the daughter of Georganna Thornton and was born during the rebellion and returned to the Cherokee Nation with her mother in 1866. All the other applicants herein are the minor children of the said Elizabeth Bowlin.

The evidence further shows that the said Georganna Thornton and Elizabeth Bowlin have resided in the Cherokee Nation since their return thereto in 1866, with the exception of three or four years between 1878 and 1882, during which time they were residing in Fort Sill, in the territory now known as Oklahoma, and the said minor children have resided with their mother, Elizabeth Bowlin, since birth.

It is, therefore, the opinion of this Commission that Georganna Thornton, Elizabeth Bowlin, Henrietta Bowlin, William H. Bowlin, Eunice C. Bowlin, Helen F. Bowlin, Doda C. Bowlin, Leonard E. Bowlin and Sophia A. Bowlin should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
(Signed) Tams Bixby, Chairman.
" T.B. Needles, Commissioner.
" C.R. Breckinridge, Commissioner.
" W.M. Stanley, Commissioner.

Muskogee, Indian Territory, this
Jul 10 1903.

FILED
AUG 14 1908
COMMISSION TO FIVE TIMES.

Department of the Interior

Commission to the Five Civilized Tribesk

Tahlequah I. T. August 12th 1903.

In the matter of the application of Elizabeth Bowlin et al for enrollment as Cherokee Freedmen, consolidating the cases of:

Elizabeth Bowlin et al--------C. F. D---------- 444.
Georgeanna Thornton---------- C. F. D. -- 445.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered in the above entitled cases and asks that the record be forwarded to the Honorable Secretary of the Interior for Review.

These applicants contend that they were slaves of a Cherokee Citizen; at the commencement of the rebellion; that they remained in the Cherokee Nation during the war and did not go out until along in the seventies and returned about the year 1882. Elizabeth Bowlin was born in 1863; she was too young therefore to give any value to her testimony. The applicants introduce in their behalf first Patsy Johnson who it develops is a cousin of the applicant and she does not know a single year except that which she is trained to know "66" she did not know when the Cherokee Payment was made four years prior to her testifying; neither did she know when she was married, the year she was born in, the year her first child was born and in fact did not know the year she was testifying in hence it is quite clear that no weight whatever should have been given to her testimony.

The second witness Alex Nivens is clearly as irresponsible; he is a colored man and testified in the Jack Thompson or Jack Brady case of having seen him here in the year 1866 most positively yet he rode on horseback from the State of Texas and came on a visit to see his father who lived near Fort Gibson on the Bayou; the testimony further shows that the said Jack Thompson wasborn in 1863 and if the testimony of Alex Nivens be true he rode all the way from Texas alone on horseback when he was three years of age.

To show the irresponsibility of this witness reference is made to the case of Jack Brady Cherokee Freedman D. 136.

The next witness to take the stand for the applicant was L. D. Daniels about whom much is said in our General Brief which was sent to the Department in the case of Mariah Hayden C. Freed D. 498. In the appendix is shown that this man was a standingwitness; that he made a business of testifying for all applicants; that he followed the Commission from place to place and was in contsant attendance ready to serve any and all applicants when an opportunity was afforded.

Again the record shows that this woman was married in Kansas; that she was not seen around Fort Gibson her old home; that she was to some extent educated and that her name was not found upon the roll of 1880 and she seems to have made no effort to get it upon that roll but was unquestionably absent when said roll was made; upon the other hand an old responsible Cherokee citizen, Lewis R. Thornton testified that he was the young master of these applicants; that during the war he was living at Fort Gibson where he continued to live until 1867 until the time for qualifiying under the treaty expired after which time he moved out upon the Bayou some three miles from Fort Gibson which remainedhis place and which he most frequently visited and he testifies that these people left the country some time in 1864 and that it was some five or six years after the war before they returned. In the face of this testimony of the young master of the applicant, who above all other persons whould

know the whereabouts of his and his fathers familie's slaves, we do not see how the Commission ever admitted these people upon the testimony of such disreputable and unreliable witnesses. The statements of the applicants themselves in conflicting and not at all satisfactory; their statements are not open frank statements but are attempts to evade the facts which go to show their true whereabouts. If these people had been here in 1866 and 1867 unquestionably they would have been the first to have run to their young master and had him given testimony for them in the year 1880; before the Wallace Court and the Kern & Clifton Commission but they knew that they did not qualify under the treaty hence evaded the reputable testimony of their young master and sought to get testimony of irresponsible parties hoping in that way to get upon the roll. Fort Gibson at that time was a small town and it could not have been possible for these parties, the former slaves of Lewis R. Thornton and his father, to have lived in or around that town or within twenty miles of it without the said Lewis R. Thornton having knowledge of it.

There was such an affection between those old slaves and their former masters that inquiry was made of each other all over the country just after the war and the old slaves went for miles to their former masters to get subsustence at this time.

Qhile the applicants have three or four witnesses to testify for them yet we do not believe that the Department will go upon the old Indian Rule and theory that the case should be decided in favor of the party having the most witnesses but that the testimony of each witness should be given its due and proper weight, and the case be decided upon the strength of the credible testimony introudced in the case.

We submit that under the testimony in thiscase that these parties should not be enrolled as Freedmen citizens of the Cherokee Nation.

Respectfully,

L. B. Bell

William Gunn

J. B. Campbell

Attorneys for the Cherokee Nation.

FILED
JUL 1904
COMMISSION OF THE TRIBES

Cherokee Freedmen D 444 & D 445.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 18, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ELIZABETH BOWLIN, ET. AL., and GEORGANNA THORNTON as Cherokee freedmen.

It appears that on May 23, 1904, the applicants, their agent, and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 16, 1904, and introduce further testimony touching the points mentioned in said letter. Upon motion of the attorney for the Cherokee Nation this case was continued until June 18, 1904, when the following testimony was introduced:

APPEARANCES:
Applicants represented by John L. Bowlin, husband of Elizabeth Bowlin.
Cherokee Nation by its attorneys W. W. Hastings and L. B. Bell.

ARCH CARTER, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Arch Carter.
Q How old are you? A 58, 59 the 16th of this coming October.
Q What is your postoffice address? A Fort Gibson.
Q Do you claim to be a Cherokee freedman? A Yes, sir.
Q Do you know the applicants in this case, Elizabeth Bowlin and Georganna Thornton? A Yes, sir, Georganna, I do.
Q You don't know Elizabeth? A Yes sir, I do.
Q How old are they now? A I couldn't tell you.
Q Do you know how old Georganna Thornton is? A No, sir.
Q Was either of these persons the slave of a Cherokee citizens before the war? A Yes, sir, Georganna was.
Q How long have you known her? A Since 1862.
Q Do you know who she belonged to before the war? A Yes, sir.
Q Who? A Amos Thornton, first cousin of the people that owned me.
Q Did she go out of the Cherokee Nation during the war? A She followed the Army out.
Q Do you know where she went to? A Yes, sir, she went to Neosho and back to Bentonville and then to Fort Gibson.
Q Do you know when Georganna first returned to the Cherokee Nation after the war? A She was already here when peace was declared.
Q She was here when the war closed? A Yes, sir.
Q At what point in the Cherokee Nation was she living? A Right here at Fort Gibson.
Q Do you know where she has lived since that time? A No, sir, not all the places; she left Fort Gibson in '69 and she went to Fort ~~Smith~~. Sill.
Q Did she live in Fort Gibson from the time peace was declared until 1869? A Yes, sir, she died right there.
Q Was this child Georganna born at that time? A Born before; claimed to be that old Amos Thornton was the father; that is what parted Mrs. Vann and old man Thornton.
Q Was that child born beforethe war? A Just about the breaking out of the war, a small little thing when she followed the Army around. I was a teamster.

Q Was the child with its mother there in the Cherokee Nation from the time peace was declared until 1869? A Yes, sir, right with its mother.
Q How long did she stay out at Fort Sill when she went there in 1869? A I don't know.
Q When was the next time after that that you saw her in the Cherokee Nation?A I couldn't say; I never paid any attention.
Q What is the best of your recollection?A I couldn't say; she was in and out, backwards and forwards,;I don't know where she went; once ina while she would come back to the old lady that raised her, old aunt Nancy Thornton.
Q Where is Georganna Thornton living now? A Out west.
Q Who is her son-in-law, John L. Bowlin? A Yes, sir.
Q Living there with her daughter Elizabeth and son-in-law?A Yes, sir.
Q How long have they been living there? A I don't know.
Q How long have they been living in the Cherokee Nation this last time?A I don't know sir.
Q Don't know anything about that?A No, sir, all I know is she was here all during the war up to 1869.

By Mr. Hastings:
Q Who did she come back here with during the war or in 1865? A She come back in 1863 with Col. Phillips.
Q How long did she stay then? A Until 1869.
Q Why do you remember it was in 1869? A Because I know it; I drove a team there with the same Company she cooked for Robert Ross.
Q This same Robert Ross that was here to-day? A Yes, sir.
Q Up until 1869? A Up until peace was made.
Q I mean now just after peace, 1865 and '6, what did she do? A I don't know.
Q Who was she working for?A I don't know.
Q Who did she live with?A John Thornton.
Q He a colored man? A Yes, sir, and right with Minerva Vann, old lady she is dead and gone now.
Q What kin was Lewis Thornton to Amos Thornton?A It was Amos Thornton's son.
Q This woman belonged to Lewis Thornton's father? A Yes, sir.
Q Lewis Thornton was the young master of this woman?A Yes, sir.
Q How old is Georganna Thornton? A I couldn't tell you.
Q Was this woman grown when the war come up? A She must have been; she had this child.
Q When did she have this child? A I couldn't tell you the date.
Q You know, you say, when she left positively, now this is an imprtant circumstance, when she had this child? A I was bred and born at Tahlequah, and they lived at Gibson.
Q Why do you know, if you know when she left there, why don't you know when this child was born?A That was something else, and I don't know.
Q Was the child born before the war? A Yes, about the breaking out of the war.
Q You say this woman did go out of the Cherokee Nation during the war? A Yes, sir, she followed the Army out.
Q Where was her young master, Lewis Thornton, living at the close of the war, in 1865 and '6? A He was a butcher there for the government.
Q You claim that this woman was right there in town at the same time? A Yes, sir.
Q Can you read and write?A No, sir, but I have got pretty good mother wit.
Q Her young master, Lewis Thornton, was right there? A Yes, sir.
Q Was he there in '69? A Yes, sir, he was living down on the bayou.

Q How far from Fort Gibson? A Three miles.
Q When did you move to Fort Gibson?A Been there always.
Q Didyou live at Tahlequah? A I was raised a mile and a half from Tahlequah.
Q When did you move to Fort Gibson?A In 1863.
Q During the war? A Yes, sir.
Q You don't know who this woman worked for from 1865 to 1869?
A No, sir.
Q Who did she live with? A That old lady that raised her.
Q Who? A Nancy Thornton:
Q And she is dead? A Yes, sir, and worked for her old mistress.
Q How long has she been away from Fort Gibson now? A I don't know.
Q Has she lived there since 1869? A I don't know.
Q Not to your knowledge has she? A No, sir.
Q You don't know where she has lived since that time?A No, sir.
Q What year did Mr. Wallace make a roll of citizens of the Cherokee Nation? A I don't know.
Q What year did Kern-clifton make a roll of the citizens of the Cherokee Nation? A I don't know.
Q What year was that payment made by Mr. Dickson? A I didn't keep no record.
Q You haven't kept any record abouts dates haveyou? A No, sir.
Q What year were you married in? A 1865.
Q What year was your first child born?A In '66.

By the Commission:
Q You stated that this woman Georganna, was at Fort Gibson when peace was declared and lived there until 1869? AYes, sir.
Q How do you place those dates so exactly? A I worked for the quartermaster and it was in '69 , they said, when the soldierswent to Fort Sill.
Q You were working for the quartermaster there in Fort Gibson?
A Yes, sir.
Q And this woman was living there all the time? AYes, sir.
Q What did she do there? A She was cooking and washing.
Q For whom? A This Mrs. Vann, as I said, one of the women she belonged to.
Q She was working for her after the war?A Yes, sir, after the war.

(Continued until June 28, 1904.)

June 28, 1904, the applicants appearing by John L. Bowlin, husband of Elizabeth Bowling, and the Cherokee Nation by its representative, J. S. Davenport, the following testimony was introduced.

EMILY THOMPSON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name?A Emily Thompson.
Q Who old are you? A 55.
Q What is your postoffice address? A Fort Gibson, Cherokee Nation.
Q You claim to be a Cherokee freedman? A Yes, sir.
Q Do you know Georganna Thornton and her daughter, Elizabeth Bowlin?
A Yes, sir.
Q How long have you known them?A All my life.
Q Where was Georganna Thornton living when you first knew her? A In Fort Gibson.
Q About how old is she now? A About 69 or 70
Q How old is her daughter, Elizabeth Bowlin? A She was born just the year before the war.
Q Was she born there in Fort Gibson? A Yes, sir, when the war came in Gibson she was a year old.

Q Did Elizabeth and her mother belong to a Cherokee citizen before the war? A Yes, sir, to Amos Thornton.
Q He was a recognized citizen of the Cherokee Nation?A Yes, sir.
Q Did Georganna and her daughter, Elizabeth go out of the Cherokee Nation during the war? A No, sir.
Q They didn't go out until after the war? A No, sir.
Q How long after the war before they first left the Nation?A It was six or seven years, for Lizzie was a big girl.
Q I believe you stated in your testimony given to-day in your own case that you lived at Fort Gibson up until the year 1879 or 1880?
Q Yes, sir.
Q And this Georganna and her daughter lived thereuntil six or seven years after the war?A Yes, sir.
Q Then where did they go? A Georganna went to Fort Sill to work.
Q Fort Sill, Oklahoma? A Fort Sill, Arbucle, out west, they call it Fort Sill.
Q How long did she stay? A The first time she went she stayed a year and then come back; she didn't take the child when she first went. She left her with Aunt Margaret Irons.
Q Well, she left the child ~~wit~~ in Fort Gibson, did she? A Out on 14 Mile Creek, she took it up there.
Q Near Fort Gibson? A Yes, sir.
Q She stayed out a year and come back and stayed how long? A Five or six months; she would go out and come back again.
Q Did she make several trips like that?A Yes, sir.
Q When did she finally come back to the Cherokee Nation to live?
A I couldn't tell you that, when she came back to live, I don't know what year it was in; she come back and went to housekeeping and then she broke up and went to Fort Sill again; I don't know what year that was in.
Q Where is Georganna Thornton living now, if you know? A She is living with her son-in-law, above me somewhere in the Cherokee Nation.
Q Do you know how long she stayed out in the Fort Sill country all together?A No, sir.
Q You have no idea? A No, sir, I don't know how long she stayed.
Q During the time she was out there, do you know whether or not she retained any household effects or owned any farm or improvements on the public domain of the Cherokee Nation?A She didn't have nothing but herself and that child; ~~she had no house or~~
Q She had no house or furniture?A Yes, sir, she rented a house and furnished it up and her and the child kept house and was keeping house in Gibson when I went out.
Q That was in 1879? A Yes, sir, she was keeping house in Fort Gibson when I left.
Q Then you were out of the Nation yourself, most of the time from 1879 until 1896 and don't know anything about the whereabouts of Georganna during that time? A I wasout until 1895.

Q And you can't state positively where Georganna was during that time? A No, sir, when I come back home and first saw her I saw her at Vinita.
Q You have said in your own case that you made several trips between 1879 and 1895 back to Fort Gibson?A Yes, sir.
Q Did you ever see Georganna or her daughter around there then?
A I saw her daughter, but I didn't see her.

By Mr. Davenport:

Q Where was Georganna living when the war broke out, Emily? A In Fort Gibson.
Q With whom? A Amos Thornton.
Q Where was she living when the was closed?A Fort Gibson.
Q With whom? A Nancy Thornton.

Q Who was Nancy Thornton? A Slave of Amos Thornton.
Q How far was she living from Amos Thornton? A About as far as from here to the Depot. It was about a quarter of a mile.
Q You know Lewis R. Thornton? A Yes, sir.
Q Who was his father? A Amos Thornton.
Q Then Lewis R. Thornton's father who was the owner of Georganna? A Yes, sir.
Q Now, do you remember that Amos Thornton took Georganna Thornton away from the Cherokee Nation in 1864? A No, he didn't; he took her sister, Cynthia.
Q How old was Lewis Thornton at that time? A He was a good big man.
Q Nearly grown? A Yes, sir.
Q Old enough to have remembered if his fatherhad taken anyone away from there, their home? A Yes, sir.
Q His father and he were living there together at that time? A Yes, sir.
Q About the time the war closed and a short while after what business were they engaged in in Fort Gibson?A Amos Thornton was always judge and clerk of the court.
Q Was Lewis Thornton interested in or working any business there about the time the war closed? A None as I know of.
Q Isn't it a fact that Lewis R. Thornton, who was the son of Amos Thornton, worked for nearly two years after the close of the war in a butcher shop in the town of Fort Gibson, Indian Territory? A Not as I know of.
Q If he had would you have known it? A Yes, sir.
Q Do you know where Lewis Thornton moved to when he left Fort Gibson? A Yes, sir.
Q Where? A Out on the bayou.
Q That year? A I couldn't tell you.
Q After the close of the war? A Yes, sir.
Q He has been living there on the bayou near the town of Fort Gibson nearly ever since? A Yes, sir, he has been living right there.
Q When did Georganna Bowlin, who was then known as Georganna Thornton, return to Fort Gibson after she went out in Kansas and worked for General Davidson? A I don't know sir.
Q She did go out in Kansas and live with General Davidson sometime after the war? A It wasn't in Kansas.
Q Where was it? A Out west here? A
Q In Fort Sill? A Yes, sir.
Q She did go to Kansas, didn't she? A She might have after I left home.
Q Didn't she go there before she was a grown girl?A No, sir, for she is older than me.
Q Who was that went there and went to school? A That was her daughter.
Q What was her name? A Lizzie.
Q This is the first time that you ever testified in this case, isn't it? A Yes, sir.
Q You don't know where Georganna was living from the time the war closed until 1867, do you? A No, sir, she come backwards and forwards to Gibson is all I can tell you; she worked at Fort Sill and come backwards and forwards to Gibson.
Q General Davidson wasn't living at Fort Gibson after the close of the war, was he? A I don't know who General Davidson is, she went with some general.
Q She went with an officer of the United States Army just before the troops were mustered out at Fort Gibson? A No, sir.
Q How long did she remain in Fort Gibson before she went away with this United States Officer after the troops were mustered out? A Some seven or eight years, because she lived with Lewis Thornton a while.

Q Lewis R. Thornton?A Yes, sir, in Mr. Keys' old store house.
Q That was the Lewis R. Thornton that was the son of Ames Thornton, her former owner? A Yes sir, and she took care of the baby.
Q When was it born? A Just before the war.
Q I will ask you if it isn't a fact that Lewis Thornton lived in the old store building after the surrender? A He lived there.
Q Didn't he live there in 1864, in that old store [redacted]g?A Yes, sir, and after that, too, because he had Georganna's baby, and we all lived there.
Q How long did he continue to live in the Keys store building?
Q After the surrender he lived there for about two years, until he got ready to move into the country.
Q He moved to the country, according to his testimony, in February, 1867, he lived thereuntil about two years before that? AYes, sir, he did.
Q That would have made it in the early part of 1865 that he lived in the store building, is that right? A He lived there from the time of the surrender until about two years before he moved out to the country.
Q He moved to the country to what they call the bayou in the Spring of 1867, didn't he? A I don't know what year, but it was in the Spring.
Q And he moved from the store building about two years before he moved to the bayou? A Yes, sir, because he moved across the street.

By the Commission:
Q You say you were living in Fort Gibson about the beginning of the war and lived there until 1879 or 1880 all the time? A Yes, sir, we didn't live right in Gibson.
Q In that neighborhood? A Yes, sir.
Q And di you know Georganna Thornton about that time? A Yes, sir, she was raised with us.
Q And do you say she was in that neighborhood all the time until some seven or eight years after the war? A Yes, sir.
Q You know that to be a fact? A Yes, sir, I do, because that if she wasn't with us she was ---
Q Do you know what year the cholera broke out in Fort Gibson?
A No, sir. I was a kid and couldn't remember.
Q About how many years after the war did the cholera break out?
A I couldn't tell that.
Q Three or four or one or two AIt was more than one or two.

By Mr. Davenport:
Q Lewis R. Thornton would know exactly the years that Georganna and her child lived with him in Fort Gibson, wouldn't he? A Yes, sir, he has got learning enough to know.

JOHN L. BOWLIN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A John L. Bowlin.
A How old areyou? A 54.
Q What is your postoffice address? A Chelsea.
Q You are the husband of Elizabeth Bowlin, who is the daughter of Georganna Thornton? A Yes, sir.
Q Are you a Cherokee freedman? A No, sir.
Q When were you married to Elizabeth the first time? A In 1880.
Q Under what law were you married? A Kansas.
Q Then were you ever remarried under the Cherokee law? A Yes, sir.
Q Did you procure a license? A Yes, sir.
Q That license has been filed in this case? A Yes, sir, a copy of it.
Q Do you claim a right to enrollment as a Cherokee freedman by intermarriage? A Yes, sir.

Q Does your name appear upon any of the Cherokee tribal rolls?
A No, sir, none at all.
Q Were you ever recognized by the tribal authorities? A I have always voted since I was married.

Mr. Davenport: Objected to as incompetent and immaterial and not sufficient to show citizenship.
Commission: Objection noted.

Q Did you ever draw any money at any of the payments? A No, sir, I never have.
Q Did you ever hold any office in the tribal government? A No, sir.
Q Were you ever recognized in any manner other than being permitted to vote as a citizen of the Cherokee Nation? A No, sir, I don't think I have.
Q But you have voted at every election? A Every election.
Q Were you ever tried for any offense in any of the tribal courts?
A Never was
Q Did you ever set on the jury at any of the tribal courts? A No, sir.
Q Did you ever get out permits to employ non-citizens? A Yes, sir.

Mr. Davenport: Objected to unless permits are offered in evidence.
Commission: Objection noted.

Q Can you produce these permits? A I can't to-day; I have some at home.
Q Will you forward them to the Commission? A Yes, sir, I think I can.

By Mr. Davenport: The representatives of the Cherokee Nation object upon the further ground that they are not evidence; that no clerk has power or authority to admit to citizenship by issuing permits to anyone.
By Commission: Objection noted.

Q Did you ever present yourself before the tribal authorities for enrollment? A No, sir, never did.
Q Did you ever have a suit in any of the tribal courts against anyone or were you ever sued? A We had a suit in our court.

By Mr. Davenport: Objected to as incompetent and immaterial. The record is better evidence.
By the Commission: Objection noted.

Q State what the nature of the suit was? A It was a claim; there is a record of it.
Q In what district? A Cooweescoowee.
Q When was it instituted? A I think in 1889, '88 or '89, somewheres along there.
Q You say it was a claim, what kind of a claim? A I was trying to protect my rights of my claim from old man Hunt intruding upon me. It was during the administration of R. L. Owen.
Q That was a suit before the United States Indian Agent? A It went to court from him.
Q The tribal court? A Yes, sir, it went to the Supreme Court at Tahlequah; Judge Keys was judge, I think. It was during George Benge's administration.
Q Can you furnish the Commission with a copy of that record? A Yes, sir, George Benge could do that.
Q Will you see that the Commission is furnished with that record?
A Yes, sir, I will do that.

By Mr. Davenport:
Q You say you had a suit with old man Hunt? A Yes, sir.
Q Who brought the suit, you or he? A I brought the suit.
Q What was done with it in the circuit court? A I think they threwed it out.
Q You know they threw it out on the ground of your not being a citizen, don't you? A I think that was it.
Q And you knew they threw it out of the Supreme Court on the same grounds, didn't they? A I expect; they threw it out; they never informed me; I don't know on what grounds.
Q Your attorney advised you that they did it on those grounds, didn't he? A He got my money and shut his mouth.
Q How did you get the information that you speak of? A Through the newspapers.
Q Well, you were interested enough to find out? A Yes, sir, I found it out.
Q When were you and your wife married? A We was married according to the laws of Kansas in 1880.
Q Where did you first meet her? A At Kansas.
Q At what point? A In Parsons; she was going to school there.
Q Where was her mother at that time? A Fort Gibson.
Q How long did Lizzie go to school at Parsons? A One term.
Q Where did you next meet her? A In Muskogee here.
Q When you married where was she? A She came back to Parsons.

By the Commission:
Q Do you know anything about the residence of your wife's mother in Oklahoma? A No, sir, she never had no residence there.
Q Never lived there after you knew her? A No, sir.

By Mr. Davenport:
Q Where did you get acquainted with her? A The first time I saw her was in 1880.
Q 1880? A Yes, sir.

(Continued by agreement until nine o'clock A. M. July 15, 1904.)

July 15, 1904. The applicants appearing by John L. Bowlin, husband of Elizabeth Bowlin, and by attorney, R. W. Blue, and the Cherokee Nation appearing by its representative, James S. Davenport, the following testimony was introduced: on behalf of the Cherokee Nation:

ELLEN S. THORNTON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Ellen S. Thornton.
Q How old are you? A 68 the 7th day of July.
Q What is your postoffice address? A Fort Gibson.
Q You are a citizen by blood of the Cherokee Nation, are you?
A Yes, sir.
Q Do you know the applicants in this case, Elizabeth Bowlin and Georganna Thornton? A Yes, sir.

By Mr. Davenport:
Q How long have you known Georganna Thornton? A I have been knowing her ever since she was a child.
Q What was your husband's name? A L. R. Thornton.
Q Is he living? A No, he died the 18th of last June, a year ago.
Q Where was Georganna Thornton living when you first knew her?
A Living with her owner, Mr. Thornton, my husband's father.
Q What was his name? A Ames Thornton.
Q Where was Ames Thornton living at that time? A Right there where Mr. Hart lives in Gibson.
Q Fort Gibson, Indian Territory? A Yes, sir.

Q How long was that before the war of the rebellion, about how long? A When I first got acquainted with the family it was about '56, but me and my husband was married in '60, and then I was with them all the time; we was married in the year '60.
Q Do you know whether or not Georganna Thornton went away from the Cherokee Nation during the war? A She never went only after my husband left and his father, her and all the colored people followed; went north and they went north.
Q Did Georganna go with the colored people? A Yes, sir, and in '62 they returned when the Army come back they all returned to Gibson.
Q Do you know who claimed to be Georganna Thornton's father? A John Fields.

By Mr. Blue: Objected to as incompetent, immaterial and irrelevant.

Commission: Objection noted.

Q After Georganna Thornton returned to the Cherokee Nation in '62, when the soldiers returned, did she continue to live there near Fort Gibson in the Cherokee Nation from that time on to the present time? A She was living there in Gibson in '64 with me and my husband, and in '64 her father come and took her , took her off somewhere in the country.
Q Then when did she next come back to Fort Gibson? A I don't know; we left Gibson.
Q How long after '64 did you and your husband continue to live at Fort Gibson? A In '67 we moved out of Gibson.
Q You lived in Fort Gibson continuously from 1864 to 1867? A Yes, sir.
Q When you moved where did you move to? A Out on the bayou where we live now.
Q How far from Fort Gibson? A Three miles.
Q When first did you see Georganna Thornton after she left your place in 1864? A I couldn't tell the first time I saw her; I never come to town myself.
Q Did you see her from 1864 to 1867? The time you moved out on the bayou? A No, sir.
Q You lived in Fort Gibson? A Yes, sir.
Q What business was your husband engaged in? A Butcher until the time we moved.
Q How long had you been living on the bayou when you saw georganna after she had gone away in 1864? A I can't tell you how long.
Q About how long? A Must have been about six or seven years, maybe.longer, as well as I can remember; I can't recollect about how long it was; I never went to town.
Q When Georganna cam back did she say where she had been? A She had been in Kansas, I don't know.
Q Did she say anything about it? A Never said anything to me about it; they all say she had been to Kansas.
Q Where is she living now with reference to where you live? A I don't know where she lives now; I haven't seen her in a long while.
Q She don't live in the same neighborhood with you? A No, sir, she lived with me and my husband about six months and her father come and took her; my recollection is awful bad; along in February or March he took her away from our house and carried her there somewhere in the country, I don't know where, and after that I reckon she came back to Gibson; I never saw her any more, but she lived with Mr. Thornton. She never did live with the old man Thornton, because he stayed with us.

By Mr. Blue:
Q Mrs. Thornton, you say you resided at Fort Gibson before the commencement of the war? A Yes, sir.
Q Where was Georganna Thornton then? A She belonged to Mr. Amos Thornton.
Q That was your husband's father? A Yes, sir.
Q She was his slave? A Yes, sir.
Q How long after that did you continue to reside at Fort Gibson? A I left there in '67, me and my husband.
Q You continued to reside at Fort Gibson until sometime in 1867? A Yes, sir, we left there in 1867.
Q When you left there where did you go? A Out on the bayou, about three miles east of Gibson.
Q What Nation were you living in on the bayou? A Cherokee Nation.
Q While living there was it a village or a farm? A A farm.
Q What time in '67 did you move? A In March.
Q Where was Georganna Thornton at that time? A I don't know; I couldn't tell.
Q Where had she been living before you moved out to the bayou? A I hadn't seen her after her father come and took her.
Q Who was her father? A John Fields.
Q Was he a Cherokee Indian? A Yes, sir, he was a Cherokee colored person.
Q Do you know whether he is on the rolls or not? A I reckon he is; I don't know.
Q His name is John Fields? A Yes, sir.
Q Was he a slave of a Cherokee? A Yes, sir.
Q Who was his owner? A That is what I don't know, what his name is either.
Q What was your husband's name? A Lewis R. Thornton.
Q And you and he resided there together at Fort Gibson from the outbreak of the war in '61 until March, 1867 and then you moved to the bayou? A Yes, sir.
Q Have you ever lived at any other places in the Cherokee Nation? A No, sir.
Q Now you say you don't know anything about where Georganna was from 1861 until 1867? A She was at home in '61, there in Gibson, and in '62, in September they all went north.
Q Who all went north? A My husband, his father and my husband's brother and the colored people followed them.
Q What colored people do you mean? A I mean what belonged to them.
Q You mean their slaves? A Yes, sir.
Q Do you know where they went? A To Fort Scott, I reckon.
Q You don't know anything about that only hearsay? A No, sir.
Q You were never in Kansas, yourself? A No, sir.
Q When they went north, did you go with them? A No, sir, I stayed in Gibson.
Q How long were your father and husband gone north? A From September until April.
Q Of what year? A '62.
Q Until April of what year? A '62.
Q Did they come back then? A They all come back.
Q You mean by that that those who had belonged to them come back then? A Yes, sir.
Q Did Georganna Thornton go with them north? A Yes, sir.
Q Did she return with them in '63? A Yes, sir.
Q When was it, you, say, that her father come and got her? A '64.
Q What month in '64? A I don't remember whether it was February or March.
Q After that, you say, you don't know anything about her? A No, sir, not until several years after that.
Q Where did her father reside at that time? A I don't know, somewhere around.

Q You said a moment ago that he come and took her away in the country? A I did, but I don't know what portion.
Q Did he live in the Cherokee Nation? A Yes, sir.
Q He didn't live far from Gibson did he? A I don't know where he lived, out in the country somewhere; I never saw Georganna any more until---
Q Mrs. Thornton, while you lived in Fort Gibson during that time did you visit about any? A No, sir.
Q How much of a town was it then? A Just a little place.
Q Was it a garrison for the soldiers? A Yes, sir, when the soldiers come back.
Q I mean after Georganna came back there, wasn't it a military camp? A Yes, sir.
Q You didn't go about much, yourself? A No, sir, I stayed right at home.
Q Are you positive that you didn't see Georganna along during those times? A No, sir, I didn't see her from the time her father took her from our house; I didn't see her any more.
Q Until when? A Until about, I couldn't tell you how long that had been, we had been living on the bayou several years; I don't know where she had been.
Q You don't know where she went with herfather? A No, sir, I don't know where she was.
Q I don't understand that you claim to know anything about her whereabouts after her father come and got her until after you moved out on the bayou? A No, sir, I never visited anywhere and after we moved on the bayou I never saw any of the people from town only as they come out where I lived.
Q I asked you if you pretended to know anything about where she was after her father took her away? A No, sir.
Q And you are not attempting to swear to where she was during that time? A No, sir, I don't know; nobody told me, and I don't know; I just know that I never saw her for several years after we moved.
Q Did you know Georganna's daughter, who is now Mrs. Bowlin? A Yes, sir.
Q How long have you known her? A Ever since she was born; the last time I saw her she was just about this high (indicating).
Q When was that? A In '64, she was about two years old, I reckon, my recollection is not good.
Q You say she was about two years old in '64? A She must have been born in '61.
Q Do you remember what time in '61 Georgeanna's daughter was born, now Mrs. Bowlin? A No, sir, I don't.
Q Was she born before or after the war began? A After the war began.
Q In 1861? A The war commenced in March of '64, I believe it began before that.
Q Was she with Georganna Thornton when Georganna's father come and got her? A Yes, sir.
Q He took her along? A He took Georganna and the child.
Q What was her name? A Lizzie.
Q Elizabeth? A Yes, sir.
Q Now Elizabeth Bowlin? A Yes, sir.
Q Had you seen her before, shortly before Georganna's father came after her and took her away? A Yes, she was staying with me.
Q Was Elizabeth taken away at the same time? A Yes, sir, I have never seen her since.
Q Never have seen Elizabeth since? A No, sir, not since then.
Q How old did you say you were? A I was 68 the 7th of July.
Q Of this year? A Yes, sir.
Q Your health isn't very good is it? A No, sir, I am sick all the time.
Q Is your memory good now? A No, sir, I old and have had so much sickness, just an invalid for years now; I have better recollection about war times than anything.

Q You just tell these things as you remember them? A Just as I know.

By Mr. Davenport:
Q I want to ask you if Georganna Thornton came back to Fort Gibson after the war and lived with Amos Thornton, your father-in-law, on the spot of ground where Florian Nash's store stands? A No, sir, she never lived with Mr. Thornton after the war broke out. She was his slave when the war broke out and they left, Lewis and his father, and they went.
Q Did Georganna live with either Lewis or Amos Thornton after the close of the war, in Fort Gibson, three or four years? A No, sir, she lived with me and Lewis about six months.
Q After the close of the war? A No, sir, in '64.
Q I am speaking in regard to her living either with Lewis Thornton, your husband------? A Mr. Thornton never kept house after he came back after the war.
Q Georganna says in her testimony that she came back and lived with Amos Thornton on the site where Florian Nash's store stands for three or four years after the war, is thattrue?

By Mr. Blue: Objected to as incompetent and immaterial and not proper cross-examination and is in the nature of leading and suggesting.
Commission: Objection noted; witness may answer.

A She is mistaken about that. She lived with me about six months, and my husband, and then her father come and took her.
Q Did Georganna Thornton live with you and your husband six months after or before the close of the war? A Before the close of the war.

By Mr. Blue:
Q Where was she living with you and your husband that six months?
A Right there in Gibson.
Q In Fort Gibson? A Yes, sir.
Q Was that six months continuous? A Yes, sir.
Q Would she live with you part of the time and go off and return?
A No, sir, she lived with me until her father came after her.
Q She was living with you and your husband at the time her father came and got her? A Yes, sir.
Q At what place in Fort Gibson did you then live? A There where Mr. Hart lives now; it belonged to Mr. Thornton.
Q I that known as the Thornton place? A Yes, sir.
Q Which Thornton? A Amos Thornton.
Q Your husband's father? A Yes, sir.
Q Then it was the old Thornton home? A Yes, sir.
Q Did Mr. Amos Thornton live with you and your husband at that time?
A Yes, sir.
Q Where did he continue to live after you moved out of Fort Gibson?
A He moved down below to Greenleaf.
Q How long did he reside at Greenleaf? A Until he died.
Q When did he die, if you know? A I can't tell; I don't recollect.
Q About when do you think he died? A Must have been about; I don't remember the date.
Q About how long has he been dead? A He has been dead about 20 years, I reckon; 22 years, I expect; I don't know.
Q Mrs. Thornton, did Mr. Amos Thornton move off to Greenleaf at the same time you moved to the bayou? A No, sir, he moved away before we moved.
Q How long before? A About a year before.
Q And he continuedto reside at Greenleaf until his death? A Yes, sir.

Q After you moved to the bayou did you visit around any in the neighborhood?

By Mr. Davenport: Objected to as incompetent and immaterial.
Commission: Objection noted; witness may answer.

A Only to Mrs. Thompson's, right there.
Q Then you don't know very much about what occurred and who were about in the neighborhood where you lived? A No, sir, I didn't know anything about Gibson after I left.
Q Did you know Minerva Vann? A Yes, sir.
Q How long did you know her? A I knew the Thornton's about in '57 or '8.
Q Did you know anything about Georganna Thornton living with her?
A She was Mr. Thornton's wife, Mrs. Vann was.
Q Afterwards did she cease to be his wife? A Yes, sir, they parted.
Q After they parted do you know anything about Georganna Thornton living with her.

By Mr. Davenport: Objected to, because it isn't cross-examination of anything brought in the original testimony.
Commission: Objection noted; witness may answer.

A I don't know anything about her living with Mrs. Vann after she was freed, because she was, after I ~~lived~~ left town Mrs. Vann lived in Gibson; I don't know whether Georganna lived with her or not.
Q Then you don't undertake to say that Georganna wasn't in Fort Gibson after you moved to the bayou? A No, I don't know anything about that.
Q At the time Mr. Amos Thornton was living with you and your husband had he and Mrs. Thornton, afterwards Mrs. Vann, separated?
A They separated just after they came back from the north.
Q Did she go north? A No, sir, she stayed in Gibson.
Q You don't know anything about Georganna Thornton living with Mrs. Thornton after the spearation of her and her husband? A No, sir.
Q She could have and you not know it? A I don't know anything about Fort Gibson after I left there and moved to the bayou.

By Mr. Davenport:
Q Mrs. Thornton, how far did you live from Mrs. Canon Vann, who was Mr. Amos Thornton's wife, during the time you lived in Fort Gibson from 1864 to 1867? A Right near.
Q About how many hundred yards? A I reckon it was about a quarter as near as I can tell you.
Q If Georganna had been living with Mrs. Vann at that time would you have known it? A Yes, sir.

By Mr. Blue: Object to asking witness' opinion upon statements of fact.
Commission: Objection noted; witness will answer.

Q Was she living there from 1864 to 1867 with Mrs. Vann who was formerly Amos Thornton's wife? A No, sir, I reckon she was living in the country, because I went to Vann's and paid her a visit just before we moved to the country.

By Mr. Blue:
Q Did you visit regularly with Mrs. Vann at that time? A Yes, sir.
Q How often were you there? A There wasn't a week passed but what we visited each other.
Q During that four years? A Yes, sir.
Q Did she live in Fort Gibson? A Yes, sir.
Q You were about a quarter of a mile apart? A I reckon it was that far, right there in sight; we were all in town; we call it a town.

Q After you moved out to the bayou how often were you at Fort Gibson? A Not at all; I reckon I have been there less than anybody that ever lived there, after I moved away.

ELIZA ANDRE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Eliza Andre.
Q How old are you? A I will soon be 57, you ought not to ask people how old they are.
Q What is your postoffice? A Fort Gibson.
Q Are you a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Do you know the applicants in this case, Elizabeth Bowlin and her mother, Georganna Thornton? A Yes, sir.
Q How long have you known them? A Ever since I can remember.

By Mr. Davenport:
Q Do you know whether or not Georganna Thornton went away from Fort Gibson during or about the close of the war? A She left there time of the war; I never saw her when she come back; I heard she come back; I never saw her.
Q Did she go away again after that? A Yes, sir, she went away in 1866 she wasn't here; I was here of and on all the time after '66.
Q When did you first see or hear of Georganna Thronton after the war? A Here at this place in '78.
Q Did you have any conversation with her about where she had been?
A She said she had been in the states.
Q Did she say how long she had been back? A Said she hadn't been back very long.
Q From 1864 up until you saw her here in Muskogee in 1878, where had you been living? A Part of the time in Canadian district and part of the time in Fort Gibson; never been out of the Nation.
Q You met Georganna Thornton here in 1878? A Yes, sir, at my house; her girl nursed my girl a while.
Q What was her girl's name? A Lizzie.
Q Where did she say she had been? A Just remarked that she had been in the states.
Q How long did she say she had been back? A Said she had just got back.
Q Where has she been living since that time? A She stayed with me a while in Fort Gibson; I haven't seen Lizzie at all.

By Mr. Blue:
Q Where were you born? A In Tahlequah, Cherokee Nation.
Q How long did you reside at Tahlequah? A Me? I couldn't tell you; I went to school there quite a while and lived over there at Fort Gibson was my principal home; my mother lived there.
Q You went to school at Tahlequah? A Yes, sir.
Q Did you have a home there, your parents? A They did at one time, a short time, when I was very small.
Q When you went to school there did they reside there? A No, sir I boarded.
Q How long were you there? A I couldn't tell you, I was small.
Q About how long? A A short time, I stayed with Mr. Foreman while I was going to school there.
Q Where did your parents live then? A At Fort Gibson.
Q When you quit school there where did you go? A To Fort Gibson.
Q How long did you reside there until you changed to some other place? A Until I was about grown.
Q That is indefinite time; I can't tell what that means, how many years did you stay? A Often and on all my life.

Q When were you married? A I was married in 1865.
Q When you married did you establish a home separate from your mother's home? A Yes, sir.
Q Where was that? A In Canadian district.
Q How far from Fort Gibson? A About twenty-five miles.
Q Where do you live now? A In Fort Gibson.
Q How long did you live in Canadian district? A About nine years.
Q From sometime in 1865 until 1874 you must have been living there, then where did you move? A Here to Muskogee.
Q Then you were living here in 1878? A Yes, sir.
Q Did you live in Muskogee from 1874 to 1878? A Yes, sir.
Q How long did you continue to reside here after 1878? A I guess I lived here up till I don't remember, four or five years.
Q That would make it about 1883 when you left here, then where did you go to? A I moved out to Brushy Mountain and from Brushy Mountain back to Fort Gibson.
Q About how far is Brushy Mountain from here? A About ten miles.
Q Do you know how long you resided there? A About five months.
Q Then you moved to Fort Gibson to your mother's? A Yes, sir.
Q In the house with her? A Yes, sir.
Q And have resided there ever since? A Yes, sir.
Q Have had no separate home? A She died soon after that and I remained in the same place.
Q From 1865 to 1874 you didn't live at port Gibson? A No, sir, but I was there often; my mother lived there.
Q From 1874 until 1883 you were either here or at Brushy Mountain? A I moved to Brushy Mountain, but didn't stay but a short time.
Q How far is this place from Fort Gibson? A About eight miles.
Q When you saw Georganna Thornton here at port Gibson, as you stated in what month in 1878 was it?A I don't remember, along in the Spring.
Q Of 1878? A Yes, sir.
Q She was at your house at that time? A Yes, sir, I got her girl to nurse for me.
Q Was she visiting at your house? A No, sir, she was hired out here in town.
Q Did you ever have but the one conversation with her about where she had been? A Yes, sir.
Q She told you she had just come from the states? A Yes, sir, when I first saw her.
Q She didn't say about how long she had been away? A No, sir.
Q She just simply told you that she had been away to the states? A Yes, sir.
Q And had just come back? A Yes, sir.
Q What state? A Said she went from here to Kansas.
Q What other states? A I don't remember.
Q Georganna did go to Kansas in 1862, didn't she? A I don't know where she went from here.
Q She went north in 1862 with the Thorntons didn't she? A ~~I don't remember.~~ Not that I know of, no, sir.
Q And came back with them? A I wasn't there.
Q Didn't she go with them and come back with them? A No, sir, she didn't come back with them; I heard she was there; she didn't go away with them; I was there then.
Q You don't know whathappened in Fort Gibson when you were not there A No, sir.
Q You are not pretending to swear about things that you don't know about? A No, sir, I wouldn't be guilty of that for nothing.
Q And when you saw her in 1878 you hadn't seen her for sometime before that? A No, sir.
Q Do you know where she is now? A No, sir.
Q Have you seen her recently? A No, sir.
Q Don't know where she resides now? A No, sir.
Q How long has it been since you saw her? A Quite a while.
Q About how long? A It has been 15 years, all of it.

Q Do you know her little girl, Lizzie? A Yes, sir, when she was a girl.
Q How long has it been since you saw her? A Not for a long time, when she nursed for me.
Q Not since 1878? A No, sir.
Q You don't know much about them now? A No, sir, not now, but I have known Georganna Thornton all my life.
Q You haven't seen her for fifteen years? A No, sir.
Q You were away from Fort Gibson for nine years at one time? A No, sir, off and on I was there; every year of my life; my mother lived there, and I went there to see my mother.
Q You didn't reside there for nine years? A No, sir, but I went there.
Q You didn't reside there for five years after that? A No, sir, it wasn't my home, but that didn't keep me from going.
Q You only visited there occasionally? A Yes, sir, I went often to see my mother.
Q You stayed at home some of the time didn't you? A Yes, sir, of course I did.

FRANK SMITH, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Frank Smith.
Q How old are you? A 59.
Q What is your postoffice address? A Braggs, I. T.
Q You are a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Do you know the applicants in this case, Elizabeth Bowlin and her mother, Georganna Thornton? A I know Georganna Thornton.
Q How long have you known her? A I knew her before the war.
Q Ever since before the war? A Yes, sir.

By Mr. Davenport:
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q When did you come back to the Cherokee Nation? A In the Spring of 1866.
Q To what point did you come? A Fort Gibson.
Q How long did you live in or near Fort Gibson after you returned in 1866? A Until about 1875.
Q Was Georganna Thornton living in Fort Gibson when you returned in 1866? A Not that I know of.
Q Was Lewis or Amos Thornton living there at that time? A Yes, sir.
Q Did you see her around their place at any time after you returned until Lewis moved to the country? A No, sir.
Q Have you seen Georganna since the war? A Not until about a month ago.
Q You lived in Fort Gibson from 1866 to 1875? A Yes, sir.
Q You had known her before the war? A Yes, sir.
Q She was grown at that time? A About 14 or 15 years old.

By Mr. Blue:
Q When was she about 14 or 15 years old? A At the breaking out of the war.
Q Do you know anything about when Elizabeth Thornton was born? A I remember the circumstance, yes, sir, when the child was born.
Q You mean to say that Georganna Thornton was at that time that old?
A Yes, sir, that old when the child was born.
Q You lived in Fort Gibson at that time? A Yes, sir.
Q You went off in the war? A Yes, sir.
Q And you returned in 1865? A '66.
Q What time? A Spring.

Q What month? A It was April or May, I don't remember which.
Q How long did you continue at Fort Gibson? A Mighty near all the time; went to the Choctaw Nation and was gone about a month.
Q When was that? A In the fall of 1866.
Q What month? A Along in August.
Q In what business were you engaged in Fort Gibson? A Nothing, my folks all lived there.
Q Didn't have any particular business then? A No, sir.
Q Had no occupation of any kind? A None.
Q Did you work at anything? A No, sir.
Q You were simply at leisure there in Fort Gibson? A Just simply loafing around town.
Q Did you have a home of your own at that time? A I stayed first one place then another; once in a while at Thorntons; once in a while with the Bean family; my mother was in the Choctaw Nation.
Q Did you have any home of your own at that time? A No, sir.
Q How long did you live at Fort Gibson in that way? A I went down and brought my mother up to Gibson.
Q When was that? A In 1866.
Q Fall of 1866? A Yes, sir.
Q Then you mean to say that you didn't have any home when you returned from the Army until you brought her? A Yes, sir.
Q How long did you live there at Fort Gibson after you came back from the war continuously? A Until 1875.
Q About ten years? A Yes, sir.
Q You say you knew Georganna Thornton before you went off in the war? A Yes, sir.
Q Did you come back during the war to stay? A Only a little while.
Q Were you in the Army? A Yes, sir.
Q Which Army? A Stand Watie Brigade.
Q Confederate side? A Yes, sir, confederate soldier.
Q You didn't come back, except to scout, from that time until the war was over? A Yes, sir.
Q Did you know Georganna Thornton fe after the war was over? A I never saw her since until here--
Q Did you see her before the war? A Yes, sir.
Q She was only about 14 or 15 years old then? A Yes, sir.
Q You didn't see her when she come back? A No, sir.
Q Would you have known her if you had seen her? A I guess so.
Q Are you sure? A Yes, sir.
Q Have you seen her since? A Not until about a month ago.
Q You didn't see her there until after 1865 that you know of? A No, sir.
Q Do you say that she wasn't there? A If she had I guess I would have seen her.
Q You swear she wasn't there? A Yes, sir, she wasn't there.
Q During the ten years that you were there you swear positively that she wasn't there? A Yes, sir.
Q You are positive? A Yes, sir.
Q She couldn't have been about the Army post and you not have known it? A No.
Q Couldn't have been there cooking for anybody and you not have known it? A No, sir.
Q Did you travel around in the country anywhere? A Yes, sir, anywhere and everywhere, all over it.
Q What was your business there? A Farmed at home and worked at home there for my mother.
Q Do you know Bob Ross? A Yes, sir.
Q Do you know whether he was in charge of the command there at any time at Fort Gibson? A Not after the war that I know of.
Q During the war? A I don't know it; I wasn't there; couldn't tell you.
Q Was he to your knowledge about there at any time after the war? A Bob Ross, yes, sir.

Q You knew him well, didn't you? A Yes, sir.
Q Have you testified in this case before? A No, sir.
Q When were you first talked to about? A I don't remember now.
Q Who first conversed with you concerning it?

By Mr. Davenport: Objected to as immaterial and not cross-examination.

Commission: Objection noted; witness will answer.

A Mr. Keys.
Q Who else talked with you about it? A Mr. Hooley Bell.
Q Who else? A That is all, I believe.
Q Mr. Keys and Mr. Bell are attorneys for the Cherokee Nation, are they not? A Yes, sir.
Q Did they come to see you about it or did you go to see them?
A We were all here.
Q Were you here as a witness in this case then? A No, sir.
Q They pointed her out to you and asked you if you knew her? A Yes, sir.
Q They first talked to you about it and asked you what you would swear? A They asked me what I knew about it.
Q Were they together or separate? A Separate.
Q When was that? A When we were here that evening.
Q How long ago has that been? A Sometime last month; I don't recollect the date exactly.

BLUE THOMPSON, being first duly sworn, testified as follows on behalf of applicants:

By the Commission:
Q What is your name? A Blue Thompson.
Q How old are you? A 54.
Q What is your postoffice address? A Chetopa, Kansas.
Q Are you a Cherokee freedman? A I am.
Q Do you know the applicants in this case, Elizabeth Bowlin and her mother, Georganna Thornton? A Yes, sir.
Q How long have you known Elizabeth Bowlin? A Since she was a girl.
Q How long have you known Georganna Thornton? A Pretty near since after the war.

By Mr. Blue:
Q Where did you first see her? A Fort Gibson.
Q When was that? A I think in the fall of 1866 or Spring, fall, I believe, when I went to Fort Gibson in the fall of 1866.
Q You mean by that the fall of 1866 or the spring of 1867? A Yes, sir, somewheres along there.
Q When did you go to Fort Gibson? A In the fall of 1866.
Q How long did you remain there then? A I remained there permanently two or three years possibly; didn't stay all the time.
Q Did you know Georganna Thornton all that time? A Yes, sir, I knowed her, but didn't see her all that time.
Q How frequently did you see her during that time? A I might have seen her two or three times a month.
Q Where was she to your knowledge from the time you went there in the fall of 1866 until you left there? A I don't know who she was staying with; she was working there in town; I don't know whether she with Mrs. Vann or up in the garrison.
Q At Fort Gibson? A Yes, sir, might have been working for Mrs. Brown; I would see her in town from time to time.

Q When did you leave there permanently? A I believe I left there between '69 and '70 to stay away from there; I used to go and come backwards and forwards home; I didn't stay there all the time.
Q Did you know her daughter who married Mr. Bowlin? A Yes, when she was a girl.
Q How big a girl when you first knew her, if you remember? A She must have been nine or ten years old, maybe; don't know for certain; didn't pay much attention to girls then.
Q Where did you see Georganna Thornton last, if you remember?
A Since when?
Q When did you see her the last time that you remember? A Sometime in March last, I think.
Q During all this time that you were there at Fort Gibson state whether or not she was there also? A Couldn't say for certain; don't know.
Q During the time you were there, as you stated, at different times?
A Yes, sir.
Q Did they continue there all the time that you were there? A No, sir, not continuously, but from time to time as I was passing.
Q Since that time when you were there at Fort Gibson how frequently have you seen Georganna Thornton? A Since I left Fort Gibson I have seen her frequently.
Q Where? A Sometimes at Vinita; sometimes out at Lightning Creek.
Q Have you seen her outside of the Cherokee Nation since you saw her at Fort Gibson? A I believe I have, yes, sir.
Q How often? A I used to visit the lodge every two weeks at Parsons; I would see her there.
Q When was that? A Don't know, sir, what year it was.
Q Where has her home been since you knew her in 1865? A '66, you mean?
Q Yes, 1866? A Her home has been in the Cherokee Nation.
Q Has she had any other home? A Not to my knowing.
Q Do you know where she resides now? A Last time I saw her she resided at Lightning Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Now, Lizzie Bowlin, since you saw her in 1866 how frequently have you seen her? A Sometimes twice a month; I go to their house and stay all night.
Q Do you know where she lives now? A Yes, sir, I do.
Q Where is that, please? A Out at Pryor Creek.
Q In the country or village? A In the country, not a village, in the country.
Q What was her husband's name? A John Bowlin.
Q Is this him here? A Yes, sir.

By Mr. Davenport:
Q Did I understand you to say that you visited a son-in-law, was it your son-in-law or hers? A Her son-in-law.
Q What is his name? A John Bowlin.
Q When was it you visited in Parsons? A I don't know what years.
Q When did you fist get acquainted with John Bowlin? A In Parsons.
Q When was that? A Don't know what year.
Q He had a home there? A No, not when I knowed him.
Q Wasn't he keeping house in Parsons? A I visited him before he married.
Q After he married Lizzie and was living in Parsons? A Yes, sir.
Q He was keeping house? A Yes, sir.
Q Had a home there? A He didn't have a house; he rented.
Q Wasn't he keeping house and living in Parsons when you visited there? A Yes, sir.
Q Wasn't Georganna living there at that time? A Sometimes, yes, sir.
Q What year was this? A Don't know, sir, Mr. Davenport, I told you.

Q Where was John Bowlin living in 1867? A In Michigan, I guess, thats what he told me.
Q You never knew him then? A No, sir.
Q Did you know Georganna Thornton before the war? A No, sir.
Q You don't know to whom she belonged? A Not personally; only what I heard.
Q After you returned to Fort Gibson after the war closed did you learn whom she claimed was her former owner? A I don't know whether it was Lewis Thornton or Thompson.
Q Lewis Thornton was living in Fort Gibson? A He used to live there.
Q In '66? A I don't know whether----he run a butcher shop there.
Q In 1866? A I don't know what year.
Q Wasn't he running one there in 1865? A I don't know.
Q Was he running one there in 1868? A Possibly might have been.
Q Can you tell me a year in which you know of your own knowledge that Lewis Thornton was running abutbher shop there? A No, sir.
Q Was you interested in the return and residence of Georganna Thornton in Fort Gibson? A Yes, sir.
Q You had never seen her until you met her there? A No, sir.
Q Did you remain in the Cherokee Nation during the war? A No, sir, left in '62.
Q Where did you go? A Chickasaw Nation.
Q Where else? A Couldn't mention the places; I was 11 years old couldn't mention all the places; was at Briartown; we left here when------
Q Were you only 11 years old in '62? A Yes, sir.
Q When did you join the Army after that? A Never joined the Army.
Q I thought you said you left here with the Army? A Left here with my boss, John Allen Thompson.
Q Did you return with Thompson? A No, sir.
Q Who with? A Bell and some others.
Q What point? A Sequoyah District.
Q What year was that? A '65.
Q How long did you remain in Sequoyah District? A I don't know.
Q How long? A Two or three years off and on.
Q Then where did you go? A From there to Fort Smith and from there to Fort Gibson.
Q Had you been running on a boat when you met Georganna Thornton? A No, sir, I had been away here before and went back.
Q How did you travel when you come to Fort Gibson the first time? A Come there over the mountain.
Q By water or by land? A Horseback.
Q Who was living in Fort Gibson when you saw georganna Thornton there in 1866? A I don't know, Mr. Ross, Meigs, Houston, Bean, Hickey, Silas McPherson, I don't know who all.
Q Who, do you remember, was in command of the fort at that time, in 1866? A I don't know whether Col. Williams at that time or not.
Q Where was General Foresythe at that time? A I don't know.
Q Don't you know that Georganna left in 1864 and went with general Forsythe to Springfield, Missouri, and went from there to Fort Riley? A No, sir, I don't know; I don't know nothing about general Forsythe.
Q If she says she left with general Forsythe and left him at El Reno is that true? A I don't know.
Q Do you know, since you become acquainted with her, of her being with the United States Army at Springfield, Missouri, and from there transferred to Fort Riley or Fort El Reno in Oklahoma? A No, sir, I don't know that; she was out there, but I don't know how she got there.
Q What years was she there? A I don't know.
Q Was it before or after you met her at Fort Gibson? A It wasn't before, but I don't know what years after that.

Q General Forsythe was in command of the post at Fort Gibson at that time, wasn't he? A No, sir, I don't know.
Q After you claim to have seen her there in 1866 when was the next time you saw her? A In Parson.
Q How many years afterwards? A I don't know, after the railroad was there; I went there to work on the railroad.
Q You can approximate it, can't you? A It was when the railroad was there; must have been 15 or 16 years ago, when I----
Q Then you didn't see her from 1866 until 16 years ago? A I seen her in Cooweescoowee district from time to time and was out at Bowlin's when Bowlin had a farm there.
Q At whose house and at what year did you see Georganna Thornton in Cooweescoowee district up to the time that you say you saw her in Parsons 15 years ago? A I don't know in any particular house, excepting John Bowlin's.
Q John Bowling hadn't moved to the Cherokee Nation at-all- until after you saw her at Parsons, had he? A No, sir.
Q Then how could you have seen her at John Bowlin's house before he moved there? A Didn't say that.
Q Where and at whose house in Cooweescoowee district did you see Georganna Thornton from the time you saw her at Fort Gibson until you saw her about 15 years ago at John Bowlin's house in Parsons, Kansas? A I disremember whether I seed her at Mrs. Foreman's house at Vinita or not, but from 1866 up to the time I told you I saw her in Parsons, then I saw her at John Bowlin's house on Pryor Creek.
Q How long after you saw her at John Bowlin's in Parsons until you saw her at John Bowlin's on Pryor Creek? A It was that year that you run for Council, when was that?
Q The first time was 1897. A Then you have got it.
Q Then the first time that you ever saw Georganna Thornton in the Cherokee Nation from the time you saw her in 1866 was in 1867? A To the best of my knowledge. I might have seen her at Mrs. Foremans.
Q You don't know where she made her home from the time you saw her at Fort Gibson up until 1897? A No, sir, I don't know.
Q She did live in Kansas? A Yes, sir, I saw her at John Bowlin's in Kansas.
Q Where did she marry? A I don't know.
Q John was living at Parsons before he married? A Yes, sir.
Q Do you know whether Georganna and Lizzie had kept house in Parsons before John and Lizzie married? A I don't know.

By Mr. Blue:
Q You spoke of Lewis Thornton, was there another Thornton there?
A I believe there was one named Amos; I forget them fellows.
Q Do you know what relation they were to each other? A I believe they said they were brothers.
Q Do you know whether Georganna claimed to be the slave of Amos or Lewis? A No, sir, I never interrogatedthem in regard to their rights.
Q You did understand that she had been the slave of some Thornton?
A Yes, sir.

(Adjourned until nine o'clock A. M., July 16, 1904.-

July 16, 1904. Appearances same as yesterday. Blue Thompson on the stand.
By Mr. Blue:
Q What is your recollection as to what was the name of the Thornton whose slave she was? A Said Lewis Thornton; I don't know.
Q Did you know anything about that, yourself? A No, sir.
Q When you saw Georganna Thornton at Parsons, as you have stated, do you know where her home was at that time? A Her home would have been here, but she was in Parsons when I seen her.

Q Do you know where she claim her home from the time you first saw her up to the present time?

By Mr. Davenport: Objected to as incompetent and immaterial as to where she claimed.
Commission: Objection noted; witness will answer.

A Claimed the Cherokee for her home.
Q When you saw Mr. Bowlin at Parsons what was he doing there, if you know? A He was porter at a hotel, Belmont Hotel, when I got acquainted with him.
Q How long have you known Mr. Bowlin? A I don't know; quite a while; ever since he worked at that hotel; I don't know how long it has been.
Q Where has he resided since he ceased to reside or work at Parsons? A He resided in the Cherokee Nation; that is to the best of my knowledge.
Q About where, if you know? A On Pryor Creek.

By Mr. Davenport:
Q Blue, any numbers of them claimed one thing and actually did another with reference to their home, didn't they? A Yes, sir.
Q In what way did she claim the Cherokee Nation her home while in Kansas? A When we would be up there we would be asking where do you live, and so on, Cherokee Nation.
Q She actually lived in Kansas, matters not where she claimed? A Yes, sir, she was in Kansas.
Q Are you on the 1880 roll? A No.

By Mr. Blue:
Q You say she was in Kansas do you know whether or not she was there as a visitor or staying with her daughter or did she have a permanent home there? A No, sir she didn't have a permanent home.

By Mr. Davenport:
Q How do you know she didn't have a permanent home there? A She was staying from one place to another, working.
Q Didn't you say yesterday they were keeping house there? A No, sir.
Q Didn't you answer on yesterday afternoon in this case that Lizzie Bowlin and her husband rented a house in the city of Parsons, Kansas, and that Georganna Thornton was living with them? A Yes, sir.
Q Where did either Lizzie Bowlin or Georganna Thornton have a home in which they lived during the time they were living and keeping house in Parsons, Kansas? A They lived right north of Dick Kennedy Livery Stable.
Q Then they didn't have any other home at the time they were living in Parsons, except in Parsons? A Not to my knowing; they were renting.
Q They were keeping house there? A Yes, sir.
Q Where did they keep house in the Cherokee Nation during the time they were keeping house in Parsons, Kansas? A I couldn't tell you where they kept house in Parsons and Cherokee Nation both. They were living on Pryor Creek.
Q Did they to your knowledge have a home in which they lived in the Cherokee Nation from 1866 up to and including the time you saw them on Lightning Creek about seven years ago? A Not to my knowing.

By Mr. Blue:
Q Do you know why Georganna Thornton and her daughter, Mrs. Bowlin, and husband, were in Kansas at the time you saw them there and for what purpose they were there?

Mr. Davenport: Objected to as incompetent and immaterial and as not cross-examination or in rebuttal.
Commission: Objection noted; witness will answer.

A I don't.
Q Do you know how they made their living at that time?

Mr. Davenport: Objected to as immaterial as to how they made their living; they had a perfect right to follow any vocation.
Commission: Objection noted; witness will answer.

A The old lady worked around; I don't know how she made it; the girl didn't work I don't think, she might, I didn't see her; she wasn't healthy and I don't think she worked.
Q The question is as to all three? A I don't know anything about all three of them. John continued to work at the hotel after I left; I don't know anything about his business.
Q Was he at work there at that time? A Yes, sir, when I got acquainted and worked afterwards.
Q As porter? A Yes, sir.
Q Were they all there for the purpose of making a livlihood? A I suppose so; I didn't inquire as to the merits of their business.

WILLIAM HUDSON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A William Hudson.
Q How old are you? A 58.
Q What is your postoffice address? A Fort Gibson.
Q Are you a citizen of the Cherokee Nation? A By intermarriage.
Q Do you know the applicants in these freedmen cases, Elizabeth Bowlin and Georganna Thornton? A I know Georganna Thornton; I don't know the other one by that name; she was a little girl when I saw her last.
Q How long have you known Georganna? A I got acquainted with her in 1866.

By Mr. Blue:
Q Where? A In Fort Gibson.
Q What time in 1866? A Along about April, I think, it has been quite a while ago; I arrived there the first of March, 1866, and I got acquainted with her in the Spring.
Q From what place did you come to Fort Gibson? A Augusta, Georgia.
Q You reached there in March? A First day of March, 1866.
Q Where have you resided since that time? A Right there in Gibson.
Q Where did Georganna Thornton reside from the time you got acquainted with her? A She lived with Mollie Rankin a while and Nancy Thornton a while.
Q How long did you see her and know of her about Fort Gibson from that time? A Up to June, 1867.
Q 1867? A Yes, sir.
Q About how frequently did you see her during that time? A I saw her every week or two, especially on Sunday going to Church. She used to wash and iron around there.
Q What were you doing there about that time? A I was waiting on the officers in the 19th Infantry.
Q During all of 1865? A '66; wasn't there in 1865.
Q From the time you came there in March, 1866, to June, 1867, were you in the same business? A Yes, sir. Cholera broke out there and the government hauled them out from town four miles and give them tents, and I got missed of this woman them, and I was acquainted with her up to that time, and I got mistracked of her. The government people scattered the people out from town on account of being too thick.

Q What do you mean when you say you got missed of her? A Out of town; I stayed in town.
Q Do you mean she left at that time and you didn't see her for a while? A I didn't see none of them for a while after they left town.
Q When after June, 1867, did you next see her? A I saw her passing through there going to the garrison where the soldiers were.
Q When was that? A I couldn't tell you, but I saw her frequently.
Q What year was that? A Latter part of '67.
Q Where was that? A Fort Gibson.
Q Now then how long did you continue to see her at Fort Gibson?
A After the latter part of '67 I didn't see her then for quite a while.
Q When did you next see her, if you remember? A Along about the census taking.
Q Do you remember when that was? A No, sir, I don't.
Q What census do you refer to? A Enrolling of the freedmen.
Q You don't remember what year that was in? A No, sir, I don't now.
Q Where did you see her then? A There in Fort Gibson.
Q Did you know Elizabeth Bowlin before she was married? A Yes, sir, she was a little girl then.
Q When did you first become acquainted with her? A In '66. She was with her mother then.
Q How frequently did you see her? A Most every time I saw her mother I saw her.
Q Where did you see them? A Passing backwards and forwards through the streets.
Q At what place? A Fort Gibson.
Q That was in what Nation? A Cherokee nation.
Q Now then since 1867, latter part of 1867, how often have you seen her? A Not but twice.
Q Where did you see her then? A Fort Gibson.
Q You say you have lived at Fort Gibson since 1866? A Yes, sir.
Q And you are an adopted Cherokee? A No, sir, adopted colored freedman. I married according to the Cherokee laws there in '67.
Q Married a Cherokee freedman? A Yes, sir, 22nd day of June, 1867, by Reverend John B. Jones; I have got my papers to show it.

By Mr. Davenport:
Q You first met Georganna Thornton in what year? A '66.
Q With whom was she living at that time? A She was living with a woman called Mollie Rankin; she is dead now; she was backwards and forwards with Aunt Nancy Thornton a part of the time; Aunt Nancy lived up in the southwest of the town and Aunt Mollie Rankin lived down on the river.
Q To whom was Aunt Nacy Thornton related of the Thornton family?
A Old Amos, I believe.
Q What relation was she to Amos Thornton? A She was no relation to him; she was a colored woman. She used to belong to old Amos they tell me.
Q You came to Fort Gibson from Georgia, you say? A Yes, sir.
Q With whom did you come? A Dr. B. B. Herbert, Surgeon of the 19th Infantry.
Q You were stationed at the garrison? A Wasn't no garrison then; we were stationed down there in town; wasn't but two building up in the garrison.
Q It had been a frontier post? A Yes, sir, right there on Grand river.
Q Who of Cherokee by blood or of United States citizens were living in Fort Gibson at that time that you can now recall? A Canon Vann as a Cherokee and F. H. Nash, a white man and W. S. Nash, Henry Meigs; I believe all the balance I think of is dead.

Q Was Lewis Thornton living there at that time? A Out in the country a piece, not far from there.
Q I will ask you if you got acquainted with Georganna Thornton and her daughter, Lizzie Bowlin, before or after Lewis Thornton moved from Fort Gibson out to the bayou where he lived at the time of his death? A Before.
Q How long before? A I couldn't tell you that, because I don't know exactly when he moved.
Q Did you get acquainted with him while he lived at Fort Gibson? A Yes, sir.
Q Why did you tell me he was living in the country? A He moved out there soon afterwards and and might have been backwards and forwards.
Q Is this the first time you have testified in this case? A Yes, sir.
Q When were you first spoken to about what you knew in this case? A Not until this morning, I was summonsed over here.
Q Who summonsed you? A That man there come over and ask all I knowed and asked me to come over, Mr. Bowlin.
Q You told him when you first met the woman? A Yes, sir.
Q When did General Forsythe leave Fort Gibson? A I am not acquainted with him.

Mr. Blue: Objected to as incompetent, immaterial and not proper cross-examination.
Commission: Objection noted.
Q Did you ever know such a man was in command of the post there after you got there? A Major Lugenbiel was in command when I came.
Q I will ask you, Bill, if Georganna Thornton came back there in 1866 and lived with Amos and Lewis Thornton for three years? A I couldn't tell you that.
Q Did you know Amos Thornton? A Yes, sir, as well as I know you.
Q Did you know where Amos Thornton lived in 1866? A He was living there in Fort Gibson.
Q What part of Fort Gibson? A He was living up there close to the new town; Mr. Hart is living at the place.
Q Did Georganna Thornton live up in that part of town? A Not at that time; she was living down on the river with Aunt Mollie and was backwards and forwards with Nancy Thornton.
Q You don't know where she lived in 1866, do you? A There in Fort Gibson.
Q If she says she was living with Amos and Lewis Thornton, is that true? A I couldn't say.
Q If she says she left with General Forsythe and went to Springfield and from there to El Reno, which is now a part of Oklahoma Territory, is it true or not? A I couldn't tell that; I didn't keep track of where she went; I just know I saw her there in Gibson.
Q You know if she stayed in Fort Gibson after you went there? A I saw her from April, 1866, to June, 1867, and then I didn't keep much track of anybody; the people scattered on account of cholera.
Q Did the cholera break out in 1866 or 1867? A '67.
Q What time of the year? A Along about the first part of June or July.
Q Then L. D. Daniels, who has testified in this case, is mistaken when he says the cholera broke out in 1866?

By Mr. Blue: Objected to as incompetent, irrelevant and not proper cross-examination.
Commission: Objection noted; witness will answer.

A It broke out in '67.

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H. M. Vance, being first duly sworn, states that as stenographer

to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause then and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 20th day of July, 1904.

Charles H. Jacoper

Notary Public.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Georgeanna Thornton,
Chelsea, I.T.
CherokeeF-D-445
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COPY.

Cherokee Freedmen
D-444 & D-445.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Elizabeth Bowlin, et al., granting the application for the enrollment of Elizabeth, Henrietta, William H., Eunice C., Helen F., Doda C., Leonard E. and Sophia A. Bowlin and Georganna Thornton, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B.

Commissioner in Charge.

Enc. H-51.

COPY.

Cherokee Freedman
D-445

Muskogee, Indian Territory, August 21, 1903

Georganna Thornton,

Chelsea, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Commissioner in Charge.

Enc. D-174
Register.

COPY.

Cherokee Freedmen
D-444-5

Muskogee, Indian Territory, August 24, 1903.

Louis T. Brown,

Agent for Elizabeth Bowlin et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Elizabeth Bowlin et al., granting the applications for the enrollment of Elizabeth, Henrietta, William ., Eunice C., Helen F., Doda C., Leonard E. and Sophia A. Bowlin and Georganna Thornton as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

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The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. D-175

Register.

Refer in reply to
the following:
LAND.
55267/1903.

COPY

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, March 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated August 24, 1903, transmitting the record relative to the application of Elizabeth Bowlin, et al, for enrollment as Cherokee Freedmen.

Elizabeth Bowlin applied for the enrollment of herself and her minor children Henryetta, William H., Eunice C., Helen F., Doda C., Leonard E., and Sophia A. Bowlin. Georganna Thornton applied for the enrollment of herself. Elizabeth Bowlin included in her application John L. Bowlin, who claims right to enrollment as an intermarried freedman. He is not embraced in the Commission's decision.

The record shows that Georganna Thornton was the slave of a Cherokee Citizen at the commencement of the war; that she left the nation during the war but returned in 1866.

Elizabeth Bowlin is the daughter of said Georganna Thornton and returned with her mother. The other applicants embraced in the decision are the children of Elizabeth Bowlin. Applicants Georganna Thornton and Elizabeth Bowlin, the record shows, have resided in the Cherokee Nation since their return, except between 1878 and 1882,

at which time they resided at Fort Sill, Oklahoma.

July 10, 1903, the Commission held the applicants were entitled to enrollment. The Cherokee Nation, by its attorneys, protests against this decision. From the record it appears to this office that the decision of the Commission is correct and its approval is recommended.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

GAW-H

D C 14541-1904. COPY

I.T.D. 2414-1904. DEPARTMENT OF THE INTERIOR, J.P.

L.R.S. WASHINGTON. FHE

May 4, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application for the enrollment of Elizabeth Bowlin and her minor children, Henrietta, William H., Eunice C., Helen F., Doda C., Leonard E. and Sophia A. Bowlin, as Cherokee freedmen, consolidated with the case involving the application of Georganna Thornton, for enrollment as a Cherokee freedman.

Submitting the case March 17, 1904, the Acting Commissioner of Indian Affairs recommends that your decision in favor of the applicants be concurred in.

It appears that Georganna Thornton, the mother of Elizabeth Bowlin, was the slave of a Cherokee citizen at the commencement of the rebellion; that during the rebellion she left the Cherokee Nation and claims to have returned thereto, with said daughter, in 1866.

You found that the evidence shows that Georganna Thronton and Elizabeth Bowlin have resided in the Cherokee Nation since 1866, with the exception of three or four years when they resided in Fort Sill, which is now in the Territory of Oklahoma.

The attorney for the Cherokee Nation filed a protest against your decision, contending that the applicants have not submitted competent evidence to establish their claim.

The Department is not prepared to agree with this contention, though it has but little confidence in the testimony of one of the claimants' witnesses, L. D. Daniels, for the reason given in departmental letter of April 29, 1904, in the case of Adeline Hampton, et al; nor is it prepared to affirm your decision on the testimony submitted. It is true that the testimony of Lewis R. Thornton, who was 29 years of age in 1899, the son of the former owner of Georganna Thornton, and who resided in Fort Gibson from 1864 to 1867, contradicts in an emphatic manner the testimony of the applicants, relative to the residence in that to n of the principal applicant, Georganna Thornton, during that time. It seems to the Department that other evidence might have been produced by the Nation. The Department does not feel justified in taking Lewis R. Thornton's testimony alone as sufficient to reject the application. It considers it advisable to remand the case and allow both parties an opportunity to submit further testimony, and for readjudication. It is directed that you pass upon the question of the rights of John L. Bowlin, who claims a right to enrollment as a Cherokee freedman. (See departmental letter of April 28, 1904, in the case of Mary Hudson, et al).

The testimony and papers attached thereto, and a copy of said Indian Office letter, are inclosed herewith.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

2 inclosures.

Cherokee Freedmen
D-444 & D-445.

Muskogee, Indian Territory, May 13, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the consolidated case of John L. Bowlin et al., applicants for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 4, remanding the Commission's decision of July 10, 1903, granting said applications.

The Department instructs the Commission to take further testimony tending to show conclusively whether or not the parties embraced in that decision are entitled to enrollment as Cherokee freedmen.

The principal applicants have, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., Thursday, June 16, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

For your information there is herewith enclosed a copy of the Department's letter above referred to.

Respectfully,

Enc. D-32.

Chairman.

COMMISSIONERS
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
WM. O. BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-445.

Muskogee, Indian Territory, May 13, 1904.

Georgeanna Thornton,

Chelsea, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of May 4, remanding the Commission's decision of July 10, 1903, granting, among others, your said application.

The Department instructs the Commission to take further testimony tending to show conclusively whether or not the parties embraced in that decision are entitled to enrollment as Cherokee freedmen.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., Thursday, June 16, 1904, and introduce testimony as above indicated.

A copy of the Department's letter above referred to has this day been forwarded to your agent, Louis T. Brown.

Respectfully,

Chairman.

Mo 9

COMMISSIONERS
TAMES BIXBY
THOMAS B. NEEDLES
W. BRECKINRIDGE
WM. THOMAS
KERMAN
SECRETARY TO THE COMMISSION

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-445.

Muskogee, Indian Territory, May 21, 1904.

Georganna Thornton,

Chelsea, Indian Territory.

Dear Madam:

In the matter of the application for your enrollment as a Cherokee freedman, which case was set for further hearing at Muskogee, at nine o'clock A. M., on Thursday, June 16, 1904, you are advised that upon motion of the attorney for the Cherokee Nation a continuance of one day has been granted.

You will, therefore, appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, June 17, 1904, at which time further hearing will be had in your case.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-445.

Muskogee, Indian Territory, May 21, 1904.

Louis T. Brown,

Agent for Georganna Thornton,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Georganna Thornton as a Cherokee freedman, which case was set for further hearing at Muskogee, at nine o'clock A. M., on Thursday, June 16, 1904, you are advised that upon motion of the attorney for the Cherokee Nation a continuance of one day has been granted.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., Friday, June 17, 1904, at which time further hearing will be had in her case.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-444-445-565-598.

Muskogee, Indian Territory, August 5, 1904.

Blue & Clover,

Vinita, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of July 20, stating that you desire to file a brief in Cherokee Freedmen D-598, Peggy Hickey, Cherokee Freedmen D-444-445, John Bolin, Cherokee Freedmen D-565, Pauline Turk, and ask that you be furnished with a copy of the record in these cases.

There are accordingly herewith inclosed copies of supplemental testimony of July 16, 1904, in Cherokee Freedmen D-565, Pauline Turk, et al., and of supplemental testimony of June 18, 1904, in Cherokee Freedmen D-444-445, John Bolin, et al. The Commission's records show that the applicant, Peggy Hickey, has heretofore been furnished with a copy of the original record in her application for enrollment, and there is on file in that case, a receipt from your firm dated July 8, for a copy of the supplemental record. In the case of Pauline Turk, et al., it appears that Edgar Smith Vinita, Indian Territory, has heretofore been furnished with a copy of the record had in the original application, and in John Bolin, et al., the appli-

cants have been furnished with the original records in their case.

Respectfully,

Encl. S-1.

Commissioner in Charge.

COPY.

Cherokee Freedman
D-445--444.

Muskogee, Indian Territory, February 24, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the applications for the enrollment of Georganna Thornton, Elizabeth, Henrietta, William Henry, Eunice Cornelius, Helen F., Doda C., Leonard Elmer, and Sophia A. Bowlin, as Cherokee freedmen.

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicants. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tams Bixby.
Chairman.

Encl. L-53.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-445.

Muskogee, Indian Territory, March 16, 1905.

Georganna Thornton,

Chelsea, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting, among others, the application for your enrollment as a Cherokee freedman.

You are advised that you will not be permitted to make an allotment selection until your name has been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Chairman.

Incl. S-22.

COPY.

Cherokee Freedmen

D-445, D-444.

Muskogee, Indian Territory, March 16, 1905.

Louis T. Brown,

Attorney for Georganna Thornton, et al.,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the applications for the enrollment of Georganna Thornton, et al. as Cherokee freedmen.

Respectfully,

Encl. S-24.

(SIGNED) Tams Bixby.
Chairman.

(C O P Y)

Cherokee Freedmen
Nos. 1443-1444

Muskogee, Indian Territory, March 31, 1905

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted, for consideration and appropriate action, protest filed with the Commission on March 29, 1905, on behalf of the Cherokee Nation in the matter of the application for the enrollment of Georganna Thornton, et al. as Cherokee freedmen.

You are advised that on February 24, 1905, the Commission rendered its decision granting the application for the enrollment of the said Georganna Thornton et al. as Cherokee freedmen, and advised the attorneys for the Cherokee Nation that they would be given fifteen days from that date within which to file such protest as they might desire to make against the action of the Commission in enrolling said applicants. On March 16, 1905, no protest having been filed, these applicants were notified of the Commission's action, and on March 20, 1905, listed for enrollment upon straight cards.

Respectfully,

Incl. S-1.

(Signed) TAMS BIXBY
Chairman

Through the

Commissioner of Indian Affairs.

J. H. A.

Refer in reply
to the following:
Land.
25412-1905.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. May 31, 1905.

The Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

It appears from your letter of March 31, 1905, addressed to the Secretary of the Interior, that on March 29, 1905, the Cherokee Nation filed a protest with the Commission in the matter of the application for enrollment as Cherokee Freedmen of Georganna Thornton et al.,

It further appears that on May 4, 1904, the case was remanded by the Department to the Commission for readjudication.

Please inform this Office whether the protest of the Cherokee Nation is on file with the record.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

Cherokee Freedmen
D-445.

Muskogee, Indian Territory, June 21, 1905.

Georganna Thornton,

Chelsea, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-53.
Register

Chairman.

Cherokee Freedmen
D-445-444.

Muskogee, Indian Territory, June 21, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Georgianna Thornton, et al., as Cherokee freedmen, including the Commission's decision dated February 24, 1905, granting said applications.

This case was, on May 4, 1904, remanded for further hearing and readjudication, and should have been returned to the Department with the Commission's letter of March 31, 1906.

Respectfully,

Incl. 3-SC.

Chairman.

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen
D-445-444.

Muskogee, Indian Territory, June 21, 1905.

Louis T. Brown,

Attorney for Georganna Thornton, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the applications for the enrollment of Georganna Thornton, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-5b
Register.

Cherokee Freedmen
D-445-444.

Muskogee, Indian Territory, June 22, 1905.

Commissioner of Indian Affairs,

Washington, D. C.

Sir:

Replying to your Office letter of May 31, 1905 (Land 25412-1905), you are respectfully advised that the protest filed on behalf of the Cherokee Nation against the decision of the Commission dated February 24, 1905, granting the applications for the enrollment of Georganna Thornton, et al., as Cherokee freedmen, was transmitted to the Department with the Commission's letter of March 31, 1905.

You are further advised that the Commission's decision, together with the record of proceedings had in the case, was transmitted to the Department on June 21, 1905.

Respectfully,

Tams Bixby
Chairman.

C O P Y.

Refer in reply
to the following:
Land 25412-1905
48711-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Washington, August 8, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 21, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Georganna Thornton for herself; and by Elizabeth Bowlin for herself and her minor children, Henrietta, William Henry, Eunice Cornelius, Helen F., Doda C., Leonard Elmer and Sophia A. Bowlin.

February 24, 1905, the Commission decided favorably to all the applicants.

The recordsshows that on July 10, 1903, the Commission rendered a decision enrolling the applicants herein as Cherokee Freedmen, and that thereafter, on May 4, 1904 (I.T.D. 2414-1904) the case was remanded by the Department for further testimony and readjudication.

The record further shows that Georganna Thornton was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that Elizabeth Bowlin is a daughter of Georganna

Thornton and was born about the year 1862, and that Georganna Thornton and Elizabeth Bowlin were taken out of the Cherokee Nation during the war, but returned thereto on or before February 11, 1867; and, with the exception hereafter noted, they have continuously resided in the Nation.

During the interval between the years 1878 and 1882 Georganna Thornton and Elizabeth Bowlin resided in the state of Kansas, but it does not appear that they forfeited their rights to citizenship in the Cherokee Nation. The minor applicants are children of Elizabeth Bowlin and have lived continuously in the Cherokee Nation since birth.

There is also enclosed a letter from the Commission dated March 31, 1905, transmitting a protest of the Cherokee Nation in this case which has been considered.

In view of the record the approval of the Commission's decision favorable to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

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J.P.
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DEPARTMENT OF THE INTERIOR,

I.T.D.9942-1905.
D.C.No.45448-1905.

Washington, September 27, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

June 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Georganna Thornton, Elizabeth, Henrietta, William Henry, Eunice Cornelius, Helen F., Doda C., Leonard Elmer, and Sophia A. Bowlin, as Cherokee Freedmen, including its decision of February 24, 1905, granting said applications.

Reporting August 8, 1905, the Indian Office recommends that said decision be approved. A copy of its letter is inclosed.

The testimony is somewhat contradictory, the preponderance, however, being in favor of the claimants. The Department has endeavored by remanding the case May 4, 1904, for re-hearing, to furnish due opportunity to all concerned to show the facts. The Commission to the Five Civilized Tribes had the witnesses before it and was better able to judge as to their reliability than the Department, and having found in favor of the applicants in two decisions, the Department does not feel warranted in reversing its

decision, notwithstanding the protest of the Nation. The decision is accordingly affirmed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen

D-445. GPf.

Muskogee, Indian Territory, October 5, 1905.

Georganna Thornton,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 27, 1905.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

LS

Commissioner.

Cherokee Freedmen

D-448, et al.

Muskogee, Indian Territory, October 5, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the applications for the enrollment of Georganna Thornton, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 27, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Tams Bixby

Commissioner.

Incl. S-48

Cherokee Freedmen

D-445, et al.

Muskogee, Indian Territory, October 5, 1906.

Louis T. Brown,

Attorney for Georgenna Thornton, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the application for the enrollment of Georgenna Thornton, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 27, 1905.

For your information there is inclosed herewith a copy of Department letter referred to.

Respectfully,

(SIGNED)

Incl. S-47

Commissioner.

REGISTERED,
MAR 23 1902
MUSKOGEE, IND. TER.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Mrs. Georgeanna Thornton,

Chelsea, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOCEE, IND. TER.

MUSKOGEE, IND. TERR.
MAY 14
11 — A
1904

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Georgeanna Cornton,
Creek Nation, Indian Territory.

MUSKOGEE, IND.
JUL 16
9 AM
1904

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE, I.T.
MAY 21
8 — P

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE

Hon. [illegible]
[illegible], Indian Territory.

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Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

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Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Georgeana Thorn on,
Chelsea, Indian Territory.

FEB 23 1904

MUSKOGEE, I.T. REC'D AUG 26 1904

Cher Fr 1444

Cher Fr 1444

(C O P Y)

Department of the Interior,
Commission to the Five Civilized Tribes.
Chelsea, I. T., May 31, 1901.

In the matter of the application of Elizabeth Bowlin for the enrollment of herself and seven children as Cherokee Freedmen, and for the enrollment of her husband, John L. Bowlin, as a Cherokee Freedman by intermarriage; said Bowlin being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Elizabeth Bowlin.
Q How old are you? A I was born in 1862.
Q You are about 38? A Yes sir.
Q What is your postoffice? A Chelsea.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for anybody besides yourself? A Yes sir.
Q ~~Do you want to ####~~ Have you a husband? A I have a husband.
Q Do you want to apply for him? A Yes sir.
Q How many children have you? A I have six living and one dead; I mean seven living and one dead maked eight.
Q Are these seven children all under 21 years of age? A Yes sir.
Q Are they all unmarried? A Yes sir.
Q You can apply for the whole seven then? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I have lived there ever since '83; no, '82.
Q Give me the name of your father. A Amos Thornton.
Q Is he alive? A No sir.
Q How long has he been dead? A I don't know how long.
Q Was he a Cherokee Freedman? A He was a Cherokee Indian.
Q Give me the name of your mother. A Georgianna Thornton.
Q Is she alive? A Yes sir.
Q Where is she living now? A She lives with me.

Georgianna Thornton, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name. A Georgianna Thornton.
Q How old are you? A I can't tell you that. (Hands paper to Commissioner.)
Q This paper says that you were born in 1845? A Yes sir, that is right.
Q Then you are about 55 or '6 years old? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I always lived in the Cherokee Nation; I was born in the Cherokee Nation.
Q Were you a slave in the Cherokee Nation when the war broke out? A Yes sir.
Q Who was it you belonged to? A Amos Thornton.
Q Was he a recognized Cherokee citizen? A Yes sir.
Q Is this woman your daughter? A Yes sir.
Commissioner of Applicant: Give me the name of your husband? A John L. Bowlin.
Q How old is your husband? A 51 years old.
Q Is that your husband sitting over there? A Yes sir.
Q How long has he lived in the Cherokee Nation? A Ever since I have; since '82.

John L. Bowlin, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your full name. A John L. Bowlin.
Q You are 51 years of age? A Yes sir.
Q What is your postoffice? A Chelsea.
Q Are you a Cherokee Freedman? A No sir.
Q What are you? A Intermarried.
Q You are an intermarried Freedman? A Yes sir.
Commissioner of Applicant: Your husband is a state man? A Yes sir
Q And only claims as an intermarried Freedman? A Yes sir, that is all.
Commissioner of John L. Bowlin: Have you your marriage license and certificate? A Yes sir. (Presents certificate)

The applicant presents an official copy of the records of Cooweescoowee District showing that on the 7th of August, 1885, she and her husband were united in marriage under a Cherokee license and in accordance with Cherokee Law. This if filed herewith.

Q Have you and your wife lived together ever since you were married? A Yes sir.
Q And all the time in the Cherokee Nation? A Yes sir, not all the time in the Cherokee Nation; we were married in Kansas first.
Q But you have lived in the Cherokee Nation ever since you were married under this Cherokee license? A Yes sir.
Q You had before that been married under United States law?
A Yes sir.
Q When were you and she married under United States law? A In 1880.
Commissioner of Applicant: Were you ever admitted to citizenship by the Cherokee Commission or Council? A Not by Council; I was enrolled on two rolls.
Q But before you were enrolled, were you ever admitted to citizenship by any Court? A No sir.
Q You never applied to be admitted to citizenship? A No sir.
Q You say you have been in the Cherokee Nation since '82? A Yes sir.
Q Where were you before that? A I was in Parsons, Kansas.
Q Were you born in Kansas? A No sir.
Q Where were you born? A Fort Gibson, Cherokee Nation.
Q And they carried you out during the war? A I don't remember anything about the war.
Q You first remember Kansas? A The first I remember of Kansas was in '76.
Q Do you remember any place before you remember Kansas? A I remember Fort Gibson.
Commission of Applicant's husband: Were you ever married before you married this wife? A No sir.
Commissioner of Applicant: Were you ever married before you married this husband? A No sir.
Commissioner of Applicant's mother: Where was your daughter born?
A At Fort Gibson, right in my master's house before the war.
Q Well hardly before the war, the war had been going on a year or two is she is 38? A It was before the war.

Q Now, give me the names of your children? A (Hands paper to Commissioner.)
Q Then the oldest child for whom you apply is Henrietta, is it?
A Yes sir.
Q She is about 18 now? A Yes sir.
Q And your next child is William H.? A Yes sir, William Henry.
Q He is about 15? A Yes sir.
Q Then the next child is Eunice C.? A Yes sir, Eunice Cornelius.
Q He is 12 years old? A Yes sir.
Q Then the next child is Helen F. Yes sir.
Q She is about ten years old, is that right? A Yes sir.
Q The next child is Doda C.? A Yes sir.
Q She is eight years old? A Yes sir.
Q And then Leonard E.? A Leonard Elmer; yes sir.
Q He is three years old? A Yes sir.
Q And then Sophia A.? A Yes sir.
Q She was born the last of last March? A Yes sir.
Q Are these children all living now? A Yes sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon; nor the names of the applicant's father or mother.

The 1896 census roll examined and the names of the applicants not found thereon.

Q Did you draw strip money? A Yes sir.

The Kerns Clifton roll examined and the name of the applicant is found on page 103, No. 2578, Elizabeth Bowlen, Cooweescoowee District.

Q Did you draw for these children? A Yes sir.

The Kerns Clifton Roll examined and the names of the applicant's children are found thereon as follows:
Page 103, No. 2574, Henrietta Bowlen, Cooweescoowee Dist.
Page 103, No. 2576, Will Bowlen, Cooweescoowee District.
Page 103, No. 2677, Eunice Bowlen, Cooweescoowee District

Q Did you draw for Helen? A No sir.
Q You only drew for these three? A I drew for all of them, except Helen. I drawed for Doda, but not for Helen.

The Kerns Clifton Roll examined and the name of Doda Bowlin is found on page 178, No. 4364, Doda Bowlin, District not given.

Q Didn't you give in the name of this child, Helen? A Yes sir.
Q Do you know how it happened to be left off the roll? A I don't know.

Q She is a little older than that? A It was before the war got in the Cherokee Nation.
Q Were you carried up to Kansas during the war? A No sir, I was freed right here at my master's house.
Q You didn't go out of the Cherokee Nation during the war? A No sir.
Q What was this girl doing up in Kansas? A That was way up after the war I sent her to school.
Q Where did you send her to school in Kansas? A Manhattan.
Q How old was she then? A I don't know.
Q A little thing? A Yes sir.
Q How long did you keep her up there? A One year. I sent her in the fall and in the spring I went after her.
Q And then what? A I brought her back and stopped at Parsons three months and worked.
Q And then what? A And then brought her to Fort Gibson home.
Q But that was some time before she married? A Yes sir.
Q But then she married in Kansas? A I had taken her back.
Q How long after that was it you took her back from this time you brought her down? A I don't know how long it was.
Q What did you take her back for? A To get married.
Q You didn't take her back until she went up there to get married? A No.
Q She was engaged to be married, was she? A Yes sir.
Q What place was she married in Kansas? A Parsons.
Q You weren't living at Parsons at the time? A No sir.
Q Well, how long did she stay up there after she got married? A I don't know how long it was; she stayed a winter and then moved down in the spring is all I can tell you.
Q Was she never in Kansas except when you sent her up there as a little thing to school and the time you took her there to marry? A No sir; she never was in Kansas.
Q Just those two times? A Yes sir. I sent her with General Davidson.
Q Who was General Davidson? A He was in the Army. He was the commanding officer.
Commissioner of Applicant: Well now, you said you had lived here since '82? A I have been here ever since '82.
Q Where were you before that? A In Parsons.
Q How long did you stay there? A I stayed there until '82, I guess.
Q When did you begin staying there - how old were you? A I don't know. I don't know my age.
Q How big were you when you went to Parsons, were you a little think? A I was considered a young lady when I went back in '80.
Q You told me just now that you lived in Parsons down to 1882, and you said you were born in Fort Gibson, I believe, did you say that? A Yes sir, I said I was born in Fort Gibson.
Q How long had you been living in Parsons before you left there in 1882? How long had you been there? A That is all I know, I went there in 1880 and I moved here on Pryor Creek in 1882.
Q Where were you before 1880? A I was at Gibson all the time, working around there at Fort Gibson with my mother.
Q Then you lived at Gibson down to 1880, did you? A Yes sir, at Gibson until 1880, except when she sent me to school.
Q Then you lived in Kansas about two years after you were married? A Yes sir, until 1882.
Q Your mother was speaking about your coming back in two months? A She don't know no dates and I don't either; we didn't then.
Q You think the way you state now is about right, do you? A Yes sir.

Applicant's husband- Mr. Kerns claimed it was a clergical error.

The name of Helen Bowlin does not appear on the Kerns Clifton Roll.

The Wallace Roll examined and the names of the applicants and her older child are identified thereon as follows:

Page 157, No. 8, Elizabeth Bolyn, Cooweescoowee District.

Page 157, No. 10, Henrietta Bolyn, Cooweescoowee District

Note: To evidence that they are the children of Cherokee Freedmen, and no evidence that Henrietta was bornbefore March 3, 1883. They are on the questioned list.

Commissioner of Applicant's husband: You have never been on any roll at all? A No, sir. (He is not identified on any roll.)

W. W. Hastings of Applicant: With whom did you live while you were going to school in Kansas? A I lived with General Davidson.

Q How long did you live with him? A I don't know how long I lived with him; I couldn't tell the years then.

Q Your best judgment? A I lived with him about one year, I guess, until my mother came after me.

Q Your best judgment is that you lived with him about a year?

A Yes sir.

Q How long was that before you married? A I don't know; I married in 1880.

Q How long before that was it when you lived up in Kansas with General Davidson? A I told you one year.

Q You stated that you lived with him one year? A Yes sir.

Q Was that the year immediately before you married - was that the year '79? A I don't know.

Q How long before you married was it that you lived with General Davidson? A I told you I lived with General Davidson one year.

Q How long was that before you married - the year before you married? A All I know, I married in'80.

Q When did you live with Davidson? A I don't know the year; I went there to school, but I don't remember the year.

Q Did you go to school? A I went to school a while.

Q How long? A About two or three weeks.

Q Who to? A Some woman by the name of Miss Cunningham.

Q That was all the school you went to in Kansas? A I had to work and she give me schooling.

Q Where did you meet your husband? A In Parsons.

Q The first time? A Yes sir.

Q How long before you married him? A I met him there in - I don't know, some where along in the '70; '76 or '79, or somewhere along there.

Q Had you been in Kansas a number of years before you married?

A No sir, it wasn't a number of years. I would come home and then go back.

Q You were living with other people besides General Davidson?

A No other people that I know of.

Q How old were you when you went up to Kansas? A I don't know.

Q Do you think you were as much as eight years od age? A I don't know.

Applicant's mother: She was about that high. (indicated.)

Applicant further testifies:

Q You went there about the close of the war? A I don't know.

Q You don't remember when you went? A It was some time in '70, I don't know.
Q You were too young you don't remember the facts? A Well, I don't know that I was too young; I don't remember. I know I went with General Davidson.
Q Do you remember the trip? A I wasn't too young to know that I went with him; I don't know what year it was.
W. W. Hastings of Applicant's mother: About how old was this girl when she went up to Kansas after the war? A Oh, Lord, I can't tell you now.
Q About how tall was she? A She was about that high. (indicated)
Q You think she was about as much as five or six years of age when she went up there? A I can't tell you about that.
Q Do you think she was older or younger than that? A I guess she was five or six.
Applicant: I guess I was older than that.
Applicant testifies further:
Q How did you go to Kansas in a wagon or on the train or how?
A I went with General Davidson on the train.
Q Where did you take the train? A We took it right here in the Cherokee Nation.
Q What point? A I guess it was Cherokee Nation, at Muskogee.
Q Did you take it at Muskogee? A Yes sir.
Q Was that the first time you went to Kansas? A Yes sir, that was the first time in my life.
Q Who else went with you? A General Davidson.
Q Did he have a wife? A General Davidson and his family.
Q You took the train at Muskogee? A Yes sir.
Q Where did you go to, to what point? A I went to a town called Manhattan.
Q You made your home with General Davidson up until '80? A No, I made my home in the Cherokee Nation; that is where I lived, only during the time I went to school a little bit.
Q You only went to school about two or three weeks? A And worked the rest of it.
Q What did you do the rest of the time? A I worked I said.
Q For General Davidson? A I stayed with General Davidson a year.
Q Who else did you work for? A I come back home.
Q You say you only stayed one year? A Yes, with General Davidson.
Q You stayed with some one else, did you? A In a year, my mother came after me; I never stayed with no one else.
Q I would like for you to tell about how old you were when you went to Kansas? A I couldn't tell; I don't know.
Q Do you swear positively that all the time you stayed in Kansas that you stayed with General Davidson up until the time you married - you worked for no one else and stayed with no one else?
A I didn't. I did swear positively that I only stayed one year with General Davidson.
Q You came back in '80? A I come back with my mother in the Cherokee Nation.
Q When? A I don't know.
Q How long was it before you married? A Three years, I guess.
Q Were you living here when you married? A I told you I married in Kansas.
Q How long had you been up there that time when you married?
A I went back there in '80 and I guess I had been there about five or six months.
Q Five or six months when you married? A I guess, I don't know.
Q Had you seen your husband before? A I met him there in '76 or '79.
Q You don't know which? A It was one of them.
Q Was your mother up there at the time you married? A She come after me and brought me back there, and I went back. Yes, she was with me.

Q How long had she been up there at that time? A She was there three or four months.
Q Was she up there any time before then? A No sir, only when she come after me at that time.
Q Do you know she come after you? A Yes, I know that.
Q How did she come after you? A She come on the train.
Q Do you remember living any at all at Fort Gibson before you went to Kansas? A Yes, I know we stayed at Gibson.
Q Who did you live with? A With my relation and all around there.
Q Who were some of your relation? A Patsy Dennis on Four Mile Branch.
Q Did you live with her? A Yes sir.
Q Who did your mother live with before she went up -? A With her relation, her father.
Q What was her father's name? A John Fields, or John Fox Fields.
Q Who was her mother? A I don't know.
Q Did you live in town? A Part of the time in town and part of the time in the country.
Q Did she have a home in the town? A Yes sir, in Fort Gibson.
Q Who was your neighbors? A Chief Bushyhead. We lived close to him, right on the bank of the river; all around in there in town.
Q How far from that old business part of the town down in there to the river? A I don't know hoe far the river is from the business part.
Q How far did you live from the old business part? A I lived with my mother all the time.
Q You lived near Chief Bushyhead's place? A We stayed there a while.
Q Did your mother own a home there? A That is her home.
Q Did she own a house? A She didn't own any house; she rented then I guess? I don't suppose she owned any home; she was a widow.
Q When did your father die? A I don't know when.
Q Since the war? A I guess he did.
Q Do you remember him? A Amos Thorntton? I don't remember when he died.
Q You came back here in '82? A Yes sir, in '82.
Q Did you get married according to Cherokee law directly after you come back? A Pretty soon after you come back? A I had to be here six months before I could do that.
Q As soon as that time expired you married? A Yes sir.
Q Where is your home now? A On Pryor Creek.
Q South of here? A North.
Q How far north? A They call it six miles from Chelsea.
Q Is that the place you came to when you first returned? A From my home I did.
Q From Kansas after you married? A Yes sir.
Q And you lived there ever since? A Yes sir.

The applicant applies for the enrollment of herself, her husband and seven children. The applicant is 38 years of age. She is identified on the Wallace Roll and the Kerns Clifton Roll, but upon the questioned list of the Wallace Roll. Attention is called to the note given in the testimony in connection with her enrollment at that time and that of her child Henrietta. Neither the applicant's mother or father, the former of whom is still living, and who has given testimony in this case, is identified on the roll of 1880. The applicant's change of name by marriage is established by the marriage license and certificate filed here-

with. Since the foregoing part of this decision was rendered, attention is called to the fact that the names of the applicant and a deceased child, but not the child, Henrietta who is applied for now, are found upon another division of the Wallace Roll, which appears to be a division os persons who were accepted at that time and whose names were tranferred from the questioned list. Carefully attention is called to the applicant's testimony in regard to her residence in Kansas, and to that of her mother, who has not yet applied for herself, but who has given testimony in this case. For the further consideration of the case, under the conditions stated, the applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her postoffice address. Her husband is a colored man, but is of the States, and he applies only as an intermarriage Freedman. He is shown by the license and certificate filed herewith to have been married to his wife under a Cherokee license and in accordance with Cherokee law on the 7th day of August, 1885; they had previously been married under United States law in Kansas in 1880; neither of them was married prior to this marriage, and theylived together in the Cherokee Nation ever since 1882. He will now be listed for enrollment on a doubtful card as a Cherokee Freedman by intermarriage, and the final decision of the Commission will be made known to him at his postoffice address. As for the seven children named in the testimony, they are all minors and are said to be now living. The child, Henrietta, is identified on the Kerns Clifton Roll and on the questioned list of the Wallace Roll. The children, William H. Eunice C., and Doda C., are identified on the Kerns Clifton Roll. These children will now be listed for enrollment as Cherokee Freedmen on a doubtful card with their mother and father. The child, Helen F., it appears should be on the Clifton Roll, but its omission appears to be due to a clerical error. The children, Leonard E. and Sophia A., are too young to be upon any roll. The applicant is desired to supply the Commission with certificates of births of the three last named children and they will be listed for enrollment as Cherokee Freedmen on a doubtful card with their father and mother, and the final decision of the Commission in regard to these children also will be communicated to the applicant at her postoffice address

The under signed, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 1st day of June 1901.

(Signed) T. B. Needles
Commissioner.

Maggie Kennedy, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she made

9- E. B.

the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 15th day of December 1904.

Charles H. Sawyer
Notary Public.

B. F. S. 444

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 31 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 3d 1901

Post Office Chelsea I.T.

District Coo

1. Name John L Bowlin — Age 51

Owner's name — Citizenship

Year — Page — No. — District —

Parents:

Father — Citizenship

Mother — Citizenship

2. Name of wife Elizabeth Bowlin — Age 3[illegible]

Owner's name — Citizenship

Year Kb. Page [illegible] No. 2578 District Coo

Parents:

Father ~~[illegible]~~ Amos Hointon-dead Citizenship Cherokee by blood

Mother Georgeanna " ~~[illegible]~~ Citizenship

Names of Children:

3. Henrietta Bowlin	Year Kb.	Page 163	No. 2574	Dist. Coo		18
4. William H "	Year "	Page 163	No. 2576	Dist. "		15
5. Eunice "	Year "	Page 163	No. 2577	Dist. "		12
6. Helen "	Year —	Page —	No. —	Dist. —		10
7. Doda "	Year Kb.	Page 178	No. 4364	Dist. "		8
8. Leonard "	Year —	Page —	No. —	Dist. —		3
9. Sophia "	Year —	Page —	No. —	Dist. —		3 mo
10	Year	Page	No.	Dist.		
11.	Year	Page	No.	Dist.		
12.	Year	Page	No.	Dist.		

Application made by — Stenographer E. C. Rothenberger

3 On Wallace roll P. 157 #10 Henrietta Bolyn - Coo

2 " " " P. 157 #8 - Elizabeth " "

2 On N.C. roll as Elizabeth Bowlin

3 " " " " " Henrietta "

4 " " " " " Will "

5 " " " " " Eunice "

7 " " " " " Doda Bowlin

6, 8 & 9, affidavits of birth required.

UNITED STATES INDIAN SERVICE,

Union Agency,

Muskogee, Ind. Ter.,

October 12th, 1891.

You are hereby advised that the name of yourself with 2 *in family, has been approved by the Department as entitled to participate in the per capita distribution of the $75,000, appropriated by Act of Congress of October 19th, 1888.*

I will make these payments every Saturday during October and November at the Agency Office in Muskogee. I will also pay this roll at Alluwee some time in November or December, whenever the Delaware payment may be made, and of which notices will be published in the newspapers. Possibly I may pay one day at Vinita about the last of November. You will be paid in person upon application; I CANNOT PAY ORDERS, nor can I mail or send the money to you. You must apply in person and sign the pay roll yourself.

Very respectfully,

Leo E. Bennett

U. S. Indian Agent.

A marriage license issued to Jno.L. Bells a citizen of the United States to marry Miss Elizabeth Thornton of the Cherokee Nation on this the 9th day of July 1885.Petition signed by the following named persons towit:

1.Jno Rice	6 J.A.Riley.
2 J.L.Rumgarner	7 J.R.Payne
3 L.L.Pigeon	8 W.W.Ward
4 K.C.Rogers	9 T.H.Beats
5 M.F.Mills	10 H.L.Cook .

Married by Wm.L.Trott, mayor of the town of Downingville, I.T. Aug. 7th day 1885.

Recorded on the 15th day Aug. 1885.

Arch McCoy,Clk.

Executive Secretary Cherokee Nation.

Tahlequah Ind.Ter.

I,B.W.Alberty,assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the marriage record of Cooweescoowee District Cherokee Nation ,now filed in this office and is in my legal custody Given under my hand and the seal of the Cherokee Nation this the 8th day of February,1901.

B. W. Alberty

Assistant Executive secretary.

Cherokee Nation.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
FEB 9 1901
RECEIVED

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I, B.W.Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the marriage record of Cooweescoowee District Cherokee Nation, now filed in this office and is in my legal custody Given under my hand and the seal of the Cherokee Nation this the 8th day of February, 1901.

B. W. Alberty

Assistant Executive secretary,
Cherokee Nation.

CHEROKEE ENROLLMENT D 444

COPY.

20

IN RE

Application for Enrollment of

INFANT CHILD

[illegible] Boulin

as a citizen of

[illegible] Cherokee Nation

Approved [illegible]ay 31, 1901 *190*

[illegible] *Commissioner.*

DEPA[illegible]

[illegible]

[illegible]

MAY 31, 1901

Ta[illegible]

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Leonard E. Bowlin, (Here insert name of child) , born on the 26 day of May , 1898

Name of Father: John L. Bowlin a citizen of the Cherokee Nation.

Name of Mother: Elizabeth Bowlin a citizen of the Cherokee Nation.

Postoffice Chelsea, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT

I, Elizabeth Bowlin , on oath state that I am 36 years of age and a citizen by Freedman Citizen , of the Cherokee Nation; that I am the lawful wife of John L. Bowlin , who is a citizen, by marriage , of the Cherokee Nation; that a male (Male or Female) child was born to me on 26 day of May , 1898; that said child has been named Leonard E. Bowlin , and is now living.

Mrs. E Elizabeth Bowlin

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 7 day of May , 1901

(Seal) My Commission expires March 20, 1904 P.O. Hayden, I.T.

Wm. Madden Jr. Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Eliza Martin , a Midwife , on oath state that I attended on Mrs. Elizabeth Bowlin , wife of John L. Bowlin on the 26 day of May , 1898 ; that there was born to her on said date a male (Male or Female.) child; that said child is now living and is said to have been named Leonard Bowlin

her Eliza X Martin mark

WITNESSES TO MARK:

(Must be Two Witnesses.) W. W. Davis, Jerry McCome

Subscribed and sworn to before me this day of May , 1901

(Seal) W. Madden Jr. Notary Public.

COPY.

CHEROKEE APPEAL No. 444

IN RE

Application for Enrollment of

INFANT CHILD

[illegible]

as a citizen of

Cherokee Nation

Approved [illegible] 190

[illegible]

Commissioner.

[illegible]

[illegible]

[illegible]

[illegible]

BIRTH AFFIDAVIT.

COPY.

20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Helen F. Bowlin (Here insert name of child.), born on the 22 day of July, 1891

Name of Father: John L. Bowlin a citizen of the Cherokee Nation.

Name of Mother: Elizabeth Bowlin a citizen of the Cherokee Nation.

Postoffice Chelsea, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Elizabeth Bowlin, on oath state that I am 38 years of age and a citizen by Freedman Citizen, of the Cherokee Nation; that I am the lawful wife of John L. Bowlin, who is a citizen, by Marriage, of the Cherokee Nation; that a Female (Male or Female.) child was born to me on 22 day of July, 1891 that said child has been named Helen F. Bowlin, and is now living.

Mrs Elizabeth Bowlin

WITNESSES TO MARK:

(Must be Two Witnesses.) Wm Lynch
A Lynch

Subscribed and sworn to before me this 7 day of March, 1901.

(Seal.) My Commission expires March 25, 1904. P.O. Hayden I.T.

[illegible] Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Marian Hayden, a Midwife, on oath state that I attended on Mrs. Elizabeth Bowlin, wife of John L. Bowlin on the 22 day of July, 1891; that there was born to her on said date a Female (Male or Female.) child; that said child is now living and is said to have been named [illegible] Bowlin.

Marian [illegible]

WITNESSES TO MARK:

(Must be Two Witnesses.) Wm Lynch
A Lynch

Subscribed and sworn to before me this day of [illegible], 1901.

(Seal.) [illegible] Notary Public.

CHEROKEE COPY INDIAN 1444

20

IN RE

Application for Enrollment of

INFANT CHILD

1443

[illegible] . [illegible]

as a citizen of

[illegible]ee Nation

Approved [illegible] 1, 1901

[illegible]

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE
FIVE CIVILIZED TRIBES.

[illegible]

[illegible] 1901

Tams Bixby,
[illegible]

BIRTH AFFIDAVIT. COPY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Sophia A. Bowlin (Here insert name of child.), born on the 9 day of March, 1901

Name of Father: John L. Bowlin a citizen of the Cherokee Nation.

Name of Mother: Elizabeth Bowlin a citizen of the Cherokee Nation.

Postoffice Chelsea, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Elizabeth Bowlin, on oath state that I am 38 years of age and a citizen by Freedman Citizen, of the Cherokee Nation; that I am the lawful wife of John L. Bowlin, who is a citizen, by marriage, of the Cherokee Nation; that a Female (Male or Female.) child was born to me on 9 day of March, 1901; that said child has been named Sophia A. Bowlin, and is now living.

WITNESSES TO MARK: Mrs. Elizabeth Bowlin

(Must be Two Witnesses.)

Subscribed and sworn to before me this 3 day of May, 190 1.

(SEAL)
My Commission expires
March 25, 1905
P.O. Dayton, I.T.

Wm. Hansen Jr
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Georgiana Thornton, a midwife, on oath state that I attended on Mrs. Elizabeth Bowlin, wife of John L. Bowlin on the 9 day of March, 1901; that there was born to her on said date a Female (Male or Female) child; that said child is now living and is said to have been named Sophia A. Bowlin

her
Georgiana Y Thornton
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) W. M. Lewis
[illegible]

Subscribed and sworn to before me this [illegible] day of May, 190 [illegible].

( )

[illegible] Jr.
Notary Public.

Q Did you ever have a home at Fort Gibson of your own? A Yes sir, right in sight of where Mr. Brashyhead used to live there.
Q Did you live there when Mr. Brashyhead used to live there? A Yes sir, I waited on his wife when she died.
Q Did you ever live in Kansas? A No sir I never did live there.
Q Where have you been living during the last ten years- after you left Fort Gibson where have you lived---where are you living now? A On Pryor Creek.
Q How long have you been living there? A Ever since my daughter has been living there.
Q Are you living with her? A Yes sir.

By com'r Brookhridge: The applicant states that she has lived in the Cherokee Nation all her life except a brief period of absence during the civil war;her further testimony indicates that she has spent some years at Fort Gibson; she is identified on the Wallace and Kern-Gifton rolls,but not upon the 1880 roll or the census roll of 1896; for the further consideration of her case,she will now be listed for enrollment as a Cherokee freedman on a doubtful card, and when the final decision of the Commission is reached she will be notified thereof at her post-office address.

= = = =

File with case of Elizabeth Bolin C. F. D. 444.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. May,31st 1901.

In the matter of the application of Georganna Thornton, for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Georganna Thornton.
Q What is your age? A I can't think of it.
Q About how old are you? A I can't even guess.
Q About 70 somewhere along there? A Yes sir I guess that is it.
Q What is your post office? A Chelsea.
Q Do you live in Cooweescoowee district? A Yes sir.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q How long have you lived in the Cherokee Nation? A I have always lived in the Cherokee Nation.
Q Give me the name of your father? A John Fields.
Q Is he dead? A Yes sir.
Q How long had he been dead? A He died after the Wallace roll.
Q Give me the name of your mother? A I don't know my mother, she was sold when I was little.
Q Were you a slave in the Cherokee Nation when the war broke out? A A Yes sir.
Q To whom did you belong? A Amos Thornton.
Q Was he a well known Cherokee citizen? A Yes sir.
Q Where were you during the war? A Fort Gibson.
Q Wereyou there all during the war? A Yes sir.
Q Didn't go out at all during the war? A Yes they took me out to Springfield,Missouri, and we spent a winter there and then come back, in the spring.
Q Was the war going on when you were in Springfield? A Yes sir.
Q You have been married have you? A No sir I is not married.
Q You have been though? A Yes sir.
Q How many times? A Once.
Q To whom were you married? A State raised man.
Q Give me his name? A Toney Wright.
Q Where did you marry him? A On the Virdigris river.
Q When did you marry him? A I can't tell you the year.
Q Was it after the war? A Yes sir.
Q How long after the war? A Long time after the war, can't tell you the year.
Q Have you a daughter who just applied? A Yes sir that was my daughter
Q What is her name now? A Elizabeth Bolin.
Q Give me the name of her father? A Amos Thornton,that was my master.
Q There was never any marriage between you and this woman's father? A No sir.
Q How long after the war was it when you married Toney Wright? A 5 or six years.
Q Is Toney Wright dead? A He is outin Oklahoma somewhere, he run away from me.
Q How long did you and he live together? A A year.
Q And you have never married since then? A No sir.
Q Do you remember what year they brought you back from Kansas? A Never went to Kansas.
Q Well Springfield then——in Missouri? A No sir I dont remember the year.
Q Where have they lived since they brought you back? A At Fort Gibson.
Q All the time? A Yes sir, working in and out of there.
Q Where did you work out of Fort Gibson? A Fort Sill.
Q Then where? A Then back to Fort Gibson.
Q Where else? A No where else.
Q Ever work in Parsons? A Yes sir worked up there two or three months, once.

Q Anywhere else except these places you have mentioned? A Yes sir at Tahlequah.
Q I mean outside of the Cherokee Nation? A That is all.
Q Have you always gone by the name of Thornton.

Applicant not found on the authenticated roll of 1880.
Applicant not found on the census roll of 1896.

Q Did you draw strip money? A Yes sir.

The Kern-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
page 103,No 2573,Georgianna Thornton, Cooweescoowee district.

Wallace Roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
page 142,No.2965,Georgianna Thornton,Cooweescoowee dist.

Q Have you ever applied for admission to the United States Court,or the Cherokee Council or Commission, or anything of that sort? A I dont understand you.
Q Have you ever applied to be recognized as a Citizen of the Cherokee Nation except on the Wallace roll and Kern-Clifton roll? A Yes sir.
Q Where? A Fort Gibson.
Q To what did you apply there? A When the payment was.
Q How comes it that you are not on the 1880 roll? A I don't know,I ought to be down there.
Q Did you ever get a paper from any court ,of any body of men,saying that you were re-admitted or admitted to citizenship,or recognized as a Cherokee freedman? A No sir.
Q Have you ever applied to be enrolled by any other tribe or nation as a freedman? A No sir.
Q Didn't you take your daughter who just enrolled, to Kansas to get married? A Yes sir.
Q Did you stay there until she got married? A Yes sir.
Q Did you come back when she come back? A Before she did.
Q Did you ever go up there any time other that that to visit your daughter? A Yes sir.
Q Where to? A Parsons.
Q How many times did you go up there? A Just once.
Q How long was that before your daughter was married? A I went there after she was married.
Q Did you ever go up there to visit her before she was married? A No sir.
(By W. W. Hastings)
Q Who did you live with at Fort Gibson just after the war? A I lived with the officers in the garrison and worked and then would go home.
Q Where was your home? A Right where Florein Nash has his store,my master had his home there.
Q And you lived with him? A Yes sir.
Q How long did you live with him after the war? A 3 or 4 years.
Q Did Amos Thornton have any family? A Yes sir.
Q What is his wife called? A Menerva Vann now, she is Conan Vann's wife now, and she had a son named Lewis.
Q He knows of your staying down there does he? A Yes sir.
Q Mrs. Conan Vann and Lewis Thornton would know all aboutyou just after the war and would know of you ever since wouldn't they? A Yess sir.
Q When did you go to Fort Sill? A I can't tell you the year.
Q Who did you go with? A With the officers,Major Forsythe,that was in the Territory then.
Q Was your daughter Eliza Bolin with you? A Yes sir.
Q You staid there 6 or 7 years didn't you? A 3 or 4 years, I cant count in years and days; I would just go and come when it got good, and I never kept no count when I would come or go.

Q Did you ever have a home at Fort Gibson of your own? A Yes sir,right in sight of where Mr. Bushyhead used to live there
Q Did you live there when Mr. Bushyhead used to live there? A Yes sir, I waited on his wife when she died.
Q Did you ever live in Kansas? A No sir I never did live there.
Q Where have you been living during the last ten years--after you left Fort Gibson where have you lived---where are you living now? A On Pryor Creek.
Q How long have you been living there? A Ever since my daughter has been living there.
Q Are you living with her? A Yes sir.

By Com'r Breckinridge: The applicant states that she has lived in the Cherokee Nation all her life except a brief period of absence during the Civil war;her further testimony indicates that she has spent some years at Fort Sill; she is identified on the Wallace and Kern-Clifton rolls,but not upon the 1880 roll or the census roll of 1896; for the further consideration of her case,she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and when the final decision of the Commission is reached she will be notified thereof at her post-office address.

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Chas.von Weise, being sworn,states that as stengrapher to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true ad correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 3rd day of June,1901 at Chelsea, I. T.

(Signed (~~Chas.~~ ~~von~~ ~~Weise~~
T. B. Needles,

Commissioner

= = = = = = = = = =

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of John L. Bowlin for enrollment as a Cherokee Freedman.

No. F. D. 444

Henry Pack, of lawful age, being duly sworn on oath states that on the 14 day of September, A. D., 1901, he registered to John L. Bowlin whose postoffice is Chelsea Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 18 day of September, 1901, he received the return card which is hereto attached, signed by the said John L. Bowlin showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 18 day of Sept A. D. 1901.

C A Starr
Notary Public.

F.D.444

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the
day of A. D. 1901.

Given under my hand this
day A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the
day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A.D.1901

Subscribed and sworn to before me this day of A.D.1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 13 1901
ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF The application of John L. Bowlin for enrollment as a Cherokee Freedman:

Case No. F. D. 444

To Jno. L. Bowlin Chelsea I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to wit: Sept. 26th A. D. 1901, during the usual business hours of said Commission on the respective days above named for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 13th day of Sept. 1901.

W. W. Hasting
J. S. Davenport
Attorneys for the Cherokee Nation.

To be filed in Freedman D 444.

Supl. C. F. D. #445.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., OCTOBER 2d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of GEORGEANNA THORNTON as a Cherokee Freedman, introduced on the part of the Cherokee Nation:

APPEARANCES:
Mr. J. S. Davenport for Cherokee Nation.

There is filed in the case a notice of the taking of testimony beginning at eight o'clock this day and indorsement shows that the notice was served on applicant on the 30th of September by John Parks, Marshall of the Cherokee Nation.

LEWIS R. THORNTON, being duly sworn by Commissioner Breckinridge, testified as follows:

MR. DAVENPORT: Give your full name please? A L. R. Thornton.
Q How old are you, Mr. Thornton? A I am 64 years old, I was born in '37.
Q What is your post-office? A Fort Gibson.
Q How long have you lived in the Cherokee Nation? A I was born in the Cherokee Nation.
Q Have you lived here all your life? A Yes, sir.
Q What was your father's name? A Amos.
Q Where did he live at the breaking out of the war?
A Illinois District.
Q Well, after the close of the war, was your father living at the close of the war? A Yes, sir.
Q Where did he live then? A At Fort Gibson.
Q Did your father own a slave at the breaking out of the war by the name of Georgeanna? A Yes, sir.
Q Did she leave the Cherokee Nation, or go away from your father's place during the war? A She left him in '64; no, '63 when out with the Command and came back as well as I remember in 1864. She was living with us and her father come and got her sometime in 1864 and took her away and I never saw her any more.
Q Well, at the close of the war she she around your father's place, there at Fort Gibson? A Not that I know of.
Q What were you doing yourself after the close of the war, if you were engaged in any mind of business? A For a while I stayed in the Commissary Department and a while I was in the Butcher business.
Q Selling meats to the people around Fort Gibson? A Making contracts with the government.
Q How long were you engaged in the butchering business, and contracting with the Government around Fort Gibson after the close of the war? A I don't know how long I butchered, I moved out of Fort Gibson in '67, in February.
Q Well, from the time the war closed up to the time you moved out on the bayou in 1867, had Georgeanna Thornton, who was the former slave of your father, returned to Fort Gibson and lived near where Florine Nash's store is now? A No, sir.
Q Well, are you able to state whether or not Georgeanna ever returned after the war and lived with your father at either Fort Gibson or near Fort Gibson? A She never did come and live there.
Q Now, about how many years after the war before you saw or heard of Georgeanna being back in the country? A I could not tell you; about five or six years after I moved out on the bayou.

To be filed in Freedman D 444.

Supl. C. F. D. #445.--2.

Q It was five or six years after you moved out on the bayou and what year was it you moved out there? A I moved in '67, February.
Q And you know that she didn't return and live with your father since the war where Mr. Nash's store is? A No, sir, My father lived with me.
Q Had you any sisters? A One.
Q What was her name now? A Mrs. Elizabeth Thompson.
Q Mrs. Conong Vann was she your sister? A Step-mother.
Q And your father lived there with you and she didn't come back there and live with you? A No, sir.
Q Were you grown when the war broke out? A Yes, sir, I was 24 years old, I enlisted when I was 24 years old.
Q Did you know whether or not that Georgeanna Thornton ever had a home at Fort Gibson after the war? A No, sir, I don't think she ever had any.
Q Do you know of her residing there at any time? A I don't know.
Q You have resided at Fort Gibson and near there ever since the war haven't you, Mr. Thornton? A Yes, sir, I have lived there off and on.

Com'r BRECKINRIDGE: Where were you at the close of the war? A I was at Fort Gibson, I was mustered out.
Q What year was that in? A '65, May.
Q Where were you the next five or six years after that? A I was right there at Gibson, more or less all the time.
Q Well, where were you making your home for five or six years after you were mustered out? A I moved as I said in '67 on the bayou and before I moved I was living at Fort Gibson.
Q How far is that? A About two miles and a half, called it three miles.
Q That was in February, 1867? A Yes, sir.
Q Were you living with your father in Gibson before that?
A My father lived with me.
Q You and your father lived together? A Yes, sir, me and my wife.
Q That is from the time you were mustered out until February 1867, when you moved out on the bayou, and then you only lived two miles and a half? A Yes, sir.
Q When do you first remember seeing this woman, Georgeanna Thornton, after the war closed? A Well, I don't know exactly, I could not give it, five or six years though after she come out there where I had lived and she had just come back from somewhere.
Q Come out on the bayou? A Yes, sir.
Q And she never lived with you or your father after the war closed?
A No, sir, but she lived with us a while during the war.
Q That was after she went off with your father in 1864?
A Yes, sir.
Q How long had you been living out there on the bayou before she came? A I don't know, five or six years, maybe more.
Q Now, she left you all in'64 did she, while the war was going on? A Yes, sir, father took her off.
Q And you didn't see her and know anything about her until you saw her out on the bayou some five or six years? A Yes, sir.

Com'r Breckinridge: This will be filed as supplemental testimony in the case of Georgeanna Thornton, Cherokee Freedman doubtful card #445.

To be filed in Freedman D 444.

Supl. C. F. D. #445.--3.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson.

Subscribed and sworn to before me this October 8th, 1901.

T. B. Needles,
Commissioner.

Retta Chick, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy, and that the same is a true and complete copy of the original.

Retta Chick.

Subscribed and sworn to before me this July 2, 1902.

(Seal)

E. J. Rutter
Notary Public.

[illegible]

[illegible] ,[illegible] [illegible] ,[illegible] [illegible] [illegible] [

To be filed in C.F.-D.444, John L. Bowlin et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 7th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of GEORGEANNA THORNTON as a Cherokee Freedman, introduced on part of applicant:

APPEARANCES:
L. T. Brown, agent for applicant.
W. W. Hastings, of counsel for Cherokee Nation.

Mr. Hastings of Mr. Brown: What do you expect to prove?
Mr. Brown: Ownership and return.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and protest against the taking of this testimony for the reason that testimony was taken in this case upon these points viz; Ownership and return, on the 31st day of May, 1901, at Chelsea, and that opportunity for the taking of additional testimony was given during all the month of June and month of September, 1901, and that none was offered until after the Cherokee Nation offered testimony on the 2d day of October, 1901, and that these points upon which testimony is desired now to be introduces is not rebuttal testimony, but is testimony upon the original points at issue.

PATSY JOHNSON, being duly sworn by Commissioner Needles, testified as follows on part of applicant:

MR.BROWN: State your name? A Patsy Johnson.
Q What is your age? A I expect I am about 52.
Q Post office address? A Fort Gibson.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Is your name on the 1880 roll? A Yes, sir.
Q Do you know Georgeanna Thornton? A Yes, sir.
Q How long have you known her? A Ever since the war.
Q Do you know where she was at the close of the war? A In Fort Gibson.
Q How long did she continue to remain in Fort Gibson after the close of the war? A I don't just remember how long; she was working in the garrison, I don't know how long.
Q Do you know where she was in the year 1866? A In Fort Gibson.

MR.HASTINGS: What year is this? A 1891.
Q 1891? A Yes, sir.
Q What year did we have that last Cherokee payment? A I don't remember.
Q What year did Mr. Wallace make the payment? A I don't know.
Q What year were you born? A I don't know.
Q What year were you married? A I don't know that.
Q What year was your first child born? A No, sir.
Q You don't know a year in the world? A Yes, sir.
Q '66? A Yes, sir; I do know that my first child was born in '68 on the bayou; that's one thing I always remember.
Q What kin is this woman to you? A She is my first cousin.
Q You never testified for her before did you?
A No, sir; wasn't called on.
Q Where did you live? A I live on Four Mile Branch, not exactly on Four Mile Branch, on the other side.
Q How far from Fort Gibson? A Four miles.
Q How old are you now? A 52.
Q What was your father's name? A Peter Sanders.
Q Where were you living the first year the war closed? A Fort Gibson.

Q In thw town? A Yes, sir.
Q With whom was she living? A Aunt Nancy Thornton.
Q She is dead is she? A I think she is.
Q How long did she live with Aunt Nancy? A I could not say, she never lived any one place long.
Q Was she ever up at Springfield, Missouri? A Yes, sir, there is where she come from when she come to Gibson, come with the soldiers.
Q The soldiers remained there for about 20 years after the war?
A Yes, sir, I think so.
Q Did you ever see this woman up in Parsons? A No, sir.
Q Did you know whether she ever worked up there or not?
A Yes, sir, I think she said she did; when she was at my house I don't know how long that has been, claimed she had a girl going to school.
Q Do you know Lewis Thornton? A Yes, sir.
Q What kin is Lewis Thornton to her master? A Is her master's son.
Q Where was Lewis Thornton living in 1865 and '6? A He was living in Fort Gibson, I think he was butchering for Mr. West.
Q Well, Lewis Thornton would know where this woman was, wouldn't he? A I don't know whether he would or not, sometimes she would visit us when she would not visit Lewis Thornton.
Q It was a small town wasn't it? A Yes, sir.
Q How long did this woman ever live about Fort Gibson?
A I could not tell you the date just exactly.
Q Live there as much as a year? A Oh, longer than that.
Q Well, your best judgment? A I could not say just exactly, she was there up until she went with the officers to Fort Sill I think.
Q Well, when was that? A That must have been about '68 I think, it was the year before my girl Fanny was born.
Q '67 then? You said your girl was born in 1868? A Yes, sir, that is right.
Q She left there in 1867? A No, sir, I think she was living there on the river I think.
Q I thought you said she left the year before your child was born?
A Yes, sir, she would go and would come and go, but she was in here at Fort Gibson.
Q Where is she living now? A I don't know.
Q How long has it been since she lived at Fort Gibson?
A I don't know really how long it has been.
Q Well, has it been 30 years since she left there? A No, sir.
Q 20? A No, sir.
Q How long then? A It has not been that long; you have got me kinda thinking; I told you when she come to my house and stayed a while.
Q How long did she stay at your house? A She stayed there two or three months.
Q Have any children then? A No, sir, she only had one.
Q Where was it born? A Born right here in Fort Gibson.

ALECK NIVENS, being duly sworn by Commissioner Needles, testified as follows on behalf of applicant:
MR.BROWN: State your name? A Aleck Nivens.
Q Your age? A About 60.
Q What is your post office? A Fort Gibson.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880?
A My name appears upon every roll that you can find.
Q Do you know Georgeanna Thornton? A Yes, sir.
Q To whom did she belong at the beginning of the war? A Amos Thornton.
Q Was Amos Thornton a citizen of the Cherokee Nation by blood?
A Well, I don't know; he claimed to be a citizen of the Cherokee Nation.

Q Do you know whether or not Georgeanna Thornton went out of the Cherokee Nation during the war? A Yes, sir.
Q Where did she go? A She went up to Cane Hill.
Q With whom did she return? A She come back with the regiment. That is the Command, the whole Command.
Q Were you along? A Yes, sir.
Q Do you know where she was in the year 1866? A She was at Gibson.
Q In the Cherokee Nation? A Yes, sir.
MR.HASTINGS: How old are you? A I am about 60.
Q What year did Wallace make that payment? A I don't know exactly what year it was, knowed too but I forget, I can't keep remembrances or nothing.
Q Is Georgeanna Thornton any kin to you? A No, sir.
Q Do you know Lewis Thornton? A Yes, sir.
Q What kin was he to Amos Thornton? A Amos Thornton's son.
Q Where was Lewis Thornton in 1865 and '6? A He was there at Gibson.
Q In the town? A Yes, sir.
Q How big a town was Fort Gibson then? A It was not such a big town, I could not tell the miles distance or yards.
Q Any bigger than it is now? A Might have been a little bigger.
Q Well, it is five or six hundred now? A I don't know, I never counted the houses.
Q Well, what is your best judgment? A I could not tell exactly.
Q Did you say you wasn't any kin to this woman? A No, sir.
Q Did you testify for her five year s ago? A No, sir.
Q Didn't testify for her down to Fort Gibson the other day?
A No, sir, never was called up for her before.
Q Did Lewis Thornton have any position with the soldiers there in 1866? A If he had any I don't know; some of them says he did but if he did I don't know.
Q Soldiers up there in the garrison? A Yes, sir, they were up there in the Garrison.
Q Now, where was this woman, what was she doing?
A Well, when I lived there Georgia was just staying in a little log hut on the bank of the river.
Q By herself? A No, her and an old lady by the name of old Aunt Mollie Rankins' daughter.
Q What time did you leave there? A I went away from there along, I think it was in '67 when I went off.
Q What time did you see them there first? A I saw them there in '63 and '66 and '67.
Q Saw her there in '64? A Yes, she was there in '64.
Q '63? A Yes, sir, we brought her here, we brought her down there in the Nation in '63.
Q And she continued to live there until after you left there?
A Yes, sir.
Q What time did you leave there? A I left there along about '67.
Q Do you know what time of the year? A No, sir, I don't.
Q Know whether it was in the spring or fall? A It was kinda in the fall.
Q How long after the war was over? A I don't know.
Q What was you doing in those two years? A Well, I went down in the bottom and farmed a little.
Q Who for? A Myself.
Q Did you own a farm down there? A No, sir, I was working on a little patch the Creeks left there during the war, they used to farm and I was working on it.
Q You saw Lewis Thornton there at the same time?
A Yes, sir, saw him there all the time.

L. D. DANIELS, being duly sworn by Commissioner Needles, testified as follows, on part of applicant:

MR.BROWN: State your name? A L. D. Daniels.
Q Your age? A. 56.
Q Post office? A Lenepah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Is your name upon the authenticated roll of 1880? A Yes, sir.
Q Do you know Georgeanna Thornton? A Yes, sir.
Q To whom did she belong at the beginning of the war?
A Amos Thornton.
Q Was Amos Thornton a citizen of the Cherokee Nation by blood?
A Yes, sir.
Q Did Georgeanna Thornton go out of the Cherokee Nation during the war? A If she did I don't know it.
Q Do you know where she was in the year 1866? A Yes, sir.
Q Where? A Fort Gibson.
Q In the Cherokee Nation? A In the Cherokee Nation.

MR.HASTINGS: You testified in the Andrew T. Watie case D. #502? A Yes, sir, I did.
Q You said you saw him here in the Cherokee Nation in 1866?
A Yes, sir.
Q He came back to the Cherokee Nation with General Stand Watie?
A I didn't say who he came back with.
Q That was in 1866? A Yes, sir, in the fall of 1866.
Q Where did you see him? A At the ranch, at the Porum Gap.
Q About the Tom Starr place? A Above.
Q How far from the Tom Starr place? A Probably four or five miles, probably further than that.
Q I will ask you who he was with when you saw him? A I didn't know the men, one or two Cherokee fellows had a bunch of hogs there.
Q Well, did you testify for this Joe Lynch, the one known as little Joe? A Lived up there?
A Yes? A No, sir, I didn't, not as I know of, I don't know as I ever testified for this little Joe Lynch that is over here to Lightning Creek.
Q Well, any Joe? A Not as I know of, there is so many of them, I don't know what I am talking about.
Q With whom was Georgeanna Thornton living when you knew her after the war in Fort Gibson? A Well, sir, she was right with the army; Second Regiment camped at Fort Gibson, Cherokee Nation, sir.
Q Up there in the Garrison? A No, just below the garrison on that little draw.
Q Did they remain there? A Part of the time.
Q How long? A I found them there in February, '66.
Q Was Georgeanna Thornton with them? A Yes, sir, she were there, and then we moved down to the Salt Lick about 20 miles from there and Dan Pinder's wife and I hauled her in my wagon Bob Ross' baggage was in.
Q That was in '67? A That was in the fall of '63.
Q I am trying to get after the war; where was she right after the war? A Right in Fort Gibson.
Q After the war? A Right there with the soldiers.
Q With whom was she living at that time? A She was staying with Nancy Thornton.
Q ~~Walkxxx~~ Now, in what part of town was Nancy Thornton living? A Nancy Thornton lived about a 150 yards probably from where Mrs. Davis lives in this direction.
Q Well, north, east or south from the Garrison? A No, from the old garrison used to be where the railroad runs, at that time that was the town.
Q Well, how long did you see her living there? A I left there I believe; let's see, the 10th cavalry come there in '67 and she was doing the laundry work for them up in the garrison and if I mistake not she was there in the spring of '68, for they left two companies there.

Q Well, then where did she go? A I think she married a man that belonged to the army and I think she went to Kansas, I don't know where she went, wherever the soldiers went.
Q Did you see her after that date? A Yes, sir.
Q When? A I seen her when Jess Bushyhead was going to run was Chief.
Q Was that the first time you had seen her? A I seen her before that.
Q When was that? A Let's see I moved from there in 1875 and I got a school in '78, well I met her there in Gibson in '78.
Q That was the next time you had seen her? A Yes, sir.
Q Now, from the time she left in 1868 you never saw her until 1878? A I say that I moved from there in 1875 and I seen her twice after I moved from there, and I seen her the third time in '78.
Q Now, she lived there in '68 with the soldiers? A Yes, sir.
Q When did you see her next? A I seen her about, it must have been '70 something before I moved from there, might have been '72 or 3.
Q Well, do you mean that this is when you moved or saw her? A I seen her after she first left Fort Gibson and went with the soldiers she come back there.
Q When was that? A That was in '72 or '3.
Q How long did she stay there? A I don't know.
Q How long did you see her there? A I saw her there once or twice, I was living five miles from Fort Gibson.
Q When did you move out five miles from Gibson? A I moved the 5th day of July, 1867.
Q And did you continue to live out there until you left Fort Gibson? A I continued so, but I was in Fort Gibson more so than I was out home.
Q But you never saw this woman from 1868 until this time, '72 or '3? A No, sir.
Q Now, after you seen her in '72 or '3 when was the next time you seenher? A I think it was in '78 or '9.
Q Where did you see her then? A Right at the picnic ground, I think it was in '79 I met her there at the fair ground, I met her there with Joe.

Mr.Brown: I would like to have this testimony made part of the record in the case of Elizabeth Boland, D.#444.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this October 11th, 1901.

(Signed) T. B. Needles,
Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 5th day of December, 1901.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 8 1901
ACTING CHAIRMAN.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita I T Oct 8 1911

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of John L Buntin et al for enrollment as Freedmen of the Cherokee Nation.

No. F.D. 4441

Lewis F Crossenthwait
Agent for applicants

J C 7 B 44 4

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 16 1901
ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 8th 1901.

In the matter of the application of Elizabeth Bolin et al, C.F.D. #444.

SUPPLEMENTAL ORDER

The testimony in the case of Georgeanna Thornton, C. F. D. 445 in hereby ordered made a part of the record in the case of Elizabeth Bolin, Cherokee Freedman Doubtful card #444.

****

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above order and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 10th of October, 1901.

Commissioner.

J D4444

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 13 1902

ACTING CHAIRMAN

F. D-444.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 20, 1902.

In the matter of the application of Elizabeth Bowlin for the enrollment of herself and children as Cherokee Freedmen.

SUPPLEMENTAL TO D-444.

APPEARANCES:
Lewis T. Brown for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that the statement of Lewis R. Thornton, filed in the case of Georgeanna Thornton, D-445, be filed with and made a part of the record in this case as to the wife of John L. Bowlin and her children whose names appear upon the roll.

COMMISSION: The request of the Nation will be complied with, and the testimony made a part of the record.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 5th day of June, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

JAC.

CR.

In the matter of the application for the enrollment of Elizabeth Bowlin et al. as Cherokee Freedmen, consolidating the applications of

Elizabeth Bowlin et al----------Cherokee Freedmen D 444.
Georganna Thornton----------Cherokee Freedmen D 445.

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Elizabeth Bowlin, for herself and minor children, Henrietta, William H., Eunice C., Helen F., Doda C., Leonard M. and Sophia A. Bowlin, and by Georganna Thornton, for herself. The application of the said Elizabeth Bowlin et al. also included John L. Bowlin, husband of said Elizabeth Bowlin, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons applying for enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said John L. Bowlin is not embraced in this decision.

The evidence shows that the applicant, Georganna Thornton, was the slave of a Cherokee citizen at the commencement of the rebellion; that, during said rebellion, she left the Cherokee Nation but returned thereto in 1866.

The applicant, Elizabeth Bowlin, is the daughter of Georganna Thornton and was born during the rebellion and returned to the Cherokee Nation with her mother in 1866. All the other applicants herein are the minor children of the said Elizabeth Bowlin.

The evidence further shows that the said Georganna Thornton and Elizabeth Bowlin have resided in the Cherokee Nation since their return thereto in 1866, with the exception of three or four years between 1878 and 1882, during which time they were residing in Fort Sill, in the territory now known as Oklahoma, and the said minor children have resided with their mother, Elizabeth Bowlin, since birth.

It is, therefore, the opinion of this Commission that Georganna Thornton, Elizabeth Bowlin, Henrietta Bowlin, William H. Bowlin, Eunice C. Bowlin, Helen F. Bowlin, Doda C. Bowlin, Leonard M. Bowlin and Sophia A. Bowlin should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28,1898,(30 Stats.,495),and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby, Chairman.
" T.B.Needles, Commissioner.
" C.R.Breckinridge, Commissioner.
" W.H.Stanley, Commissioner.

Muskogee, Indian Territory, this
Jul 10 1905.

FILED
JUL 1904
COMMISSION TO FIVE TRIBES

Cherokee Freedmen D 444 & D 445.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 18, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ELIZABETH BOWLIN, ET. A., and GEORGANNA THORNTON as Cherokee freedmen.

It appears that on May 13, 1904, the applicants, their agent, and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 16, 1904, and introduce further testimony touching the points mentioned in said letter. Upon motion of the attorney for the Cherokee Nation this case was continued until June 18, 1904, when the following testimony was introduced:

APPEARANCES:

Applicants represented by John L. Bowlin, husband of Elizabeth Bowlin.

Cherokee Nation by its attorneys W. W. Hastings and L. B. Bell.

ARCH CARTER, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Arch Carter.
Q How old are you? A 58, 59 the 10th of this coming October.
Q What is your postoffice address? A Fort Gibson.
Q Do you claim to be a Cherokee freedman? A Yes, sir.
Q Do you know the applicants in this case, Elizabeth Bowlin and Georganna Thornton? A Yes, sir, Georganna, I do.
Q You don't know Elizabeth? A Yes, sir, I do.
Q How old are they now? A I couldn't tell you.
Q Do you know how old Georganna Thornton is? A No, sir.
Q Was either of these persons the slave of a Cherokee citizen before the war? A Yes, sir, Georganna was.
Q How long have you known her? A Since 1862.
Q Do you know whom she belonged to before the war? A Yes, sir.
Q Who? A Amos Thornton, first cousin of the people that owned me.
Q Did she go out of the Cherokee Nation during the war? A She followed the Army out.
Q Do you know where she went to? A Yes, sir, she went to Neosho and back to Bentonville and then to Fort Gibson.
Q Do you know when Georganna first returned to the Cherokee Nation after the war? A She was already here when peace was declared.
Q She was here when the war closed? A Yes, sir.
Q At what point in the Cherokee Nation was she living? A Right here at Fort Gibson.
Q Do you know where she has lived since that time? A No, sir, not all the places; she left Fort Gibson in '69 and she went to Fort Smith, sir.
Q Did she live in Fort Gibson from the time peace was declared until 1869? A Yes, sir, she died right there.
Q Was this child Georganna born at that time? A Born before; claimed to be that old Amos Thornton was the father; that is what parted Mrs. Vann and old man Thornton.
Q Was that child born before the war? A Just about the breaking out of the war, a small little thing when she followed the Army around . I was a teamster.

Q Was the child with its mother there in the Cherokee Nation from the time peace was declared until 1869? A Yes, sir, right with its mother.
Q How long did she stay out at Fort Sill when she went there in 1869? A I don't know.
Q When was the next time after that that you saw her in the Cherokee Nation? A I couldn't say; I never paid any attention.
Q What is the best of your recollection? A I couldn't say, she was in and out, backwards and forwards; I don't know where she went; once in a while she would come back to the old lady that raised her, old aunt Nancy Thornton.
Q Where is Georgeana Thornton living now? A Out west.
Q Who is her son-in-law, John L. Bowlin? A Yes, sir.
Q Living there with her daughter Elizabeth and son-in-law? A Yes, sir.
Q How long have they been living there? A I don't know.
Q How long have they been living in the Cherokee Nation this last time? A I don't know sir.
Q Don't know anything about that? A No, sir, all I know is she was here all during the war up to 1869.

By Mr. Hastings:
Q Who did she come back here with during the war or in 1865? A She came back in 1863 with Col. Phillips.
Q How long did she stay then? A Until 1869.
Q Why do you remember it was in 1869? A Because I know it; I drove a team there with the same Company she cooked for Robert Ross.
Q This same Robert Ross that was here to-day? A Yes, sir.
Q Up until 1869? A Up until peace was made.
Q I mean now just after peace, 1865 and '6, what did she do? A I don't know.
Q Who was she working for? A I don't know.
Q Who did she live with? A John Thornton.
Q He a colored man? A Yes, sir, and right with Minerva Vann, old lady is dead and gone now.
Q What kin was Lewis Thornton to Amos Thornton? A It was Amos Thornton's son.
Q This woman belonged to Lewis Thornton's father? A Yes, sir.
Q Lewis Thornton was the young master of this woman? A Yes, sir.
Q How old is Georgeana Thornton? A I couldn't tell you.
Q Was this woman grown when the war come up? A She must have been; she had this child.
Q When did she have this child? A I couldn't tell you the date.
Q You know, you say, when she left positively, now this is an important circumstance, when she had this child? A I was bred and born at Tahlequah and they lived at Gibson.
Q Why do you know, if you know when she left there, why don't you know when this child was born? A That was something else, and I don't know.
Q Was the child born before the war? A Yes, about the breaking out of the war.
Q You say this woman did go out of the Cherokee Nation during the war? A Yes, sir, she followed the Army out.
Q Where was her young master, Lewis Thornton, living at the close of the war, in 1865 and '6? A He was a butcher there for the government.
Q You claim that this woman was right there in town at the same time? A Yes, sir.
Q Can you read and write? A No, sir, but I have got pretty good mother wit.
Q Her young master, Lewis Thornton, was right there? A Yes, sir.
Q Was he there in '69? A Yes, sir, he was living on the bayou.

Q How far from Fort Gibson? A Three miles.
Q When did you move to Fort Gibson? A Been there always.
Q Did you live at Tahlequah? A I was raised a mile and a half from Tahlequah.
Q When did you move to Fort Gibson? A In 1863.
Q During the war? A Yes, sir.
Q You don't know who this woman worked for from 1865 to 1869?
A No, sir.
Q Who did she live with? A That old lady that raised her.
Q Who? A Nancy Thornton.
Q And she is dead? A Yes, sir, and worked for her old mistress.
Q How long has she been away from Fort Gibson now? A I don't know.
Q Has she lived there since 1869? A I don't know.
Q Not to your knowledge has she? A No, sir.
Q You don't know where she has lived since that time? A No, sir.
Q What year did Mr / Wallace made a roll of citizens of the Cherokee Nation? A I don't know.
Q What year did Kern-Clifton make a roll of the citizens of the Cherokee Nation? A I don't know.
Q What year was that payment made by Mr. Dickson? A I didn't keep no record.
Q You haven't kept any records about dates have you? A No, sir.
Q What year were you married in? A 1865.
Q What year was your first child born? A In '66.

By the Commission:
Q You stated that this woman, Georganna, was at Fort Gibson when peace was declared and lived there until 1869? A Yes, sir.
Q How do you place those dates so exactly? A I worked for the quartermaster and it was in '69, they said, when the soldiers went to Fort Sill.
Q You were working for the quartermaster there in Fort Gibson?
A Yes, sir.
Q And this woman was living there all the time? A Yes, sir.
Q What did she do there? A She was cooking and washing.
Q For whom? A This Mrs. Vann, as I said, one of the women she belonged to.
Q She was working for her after the war? A Yes, sir, after the war.

(Continued until June 20, 1904.)

June 20, 1904, the applicants appearing by John F. Bowlin, husband of Elizabeth Bowlin, and the Cherokee Nation by its representative, J. S. Davenport, the following testimony was introduced:

EMILY THOMPSON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Emily Thompson.
Q How old are you? A 55.
Q What is your postoffice address? A Fort Gibson, Cherokee Nation.
Q You claim to be a Cherokee freedman? A Yes, sir.
Q Do you know Georganna Thornton and her daughter, Elizabeth Bowlin?
A Yes, sir.
Q How long have you known them? A All my life.
Q Where was Georganna Thornton living when you first knew her? A In Fort Gibson.
Q About how old is she now? A About 69 or 70.
Q How old is her daughter, Elizabeth Bowlin? A She was born just the year before the war.
Q Was she ~~there-in-Fo~~ born there in Fort Gibson? A Yes, sir, when the war come in Gibson she was a year old.

Q Did Elizabeth and her mother belong to a Cherokee citizen before the war? A Yes, sir, to Amos Thornton.
Q He was a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Did Georganna and her daughter, Elizabeth, go out of the Cherokee Nation during the war? A No, sir.
Q They didn't go out until after the war? A No, sir.
Q How long after the war before they first left the Nation? A It was six or seven years, for Lizzie was a big girl.
Q I believe you stated in your testimony given to-day in your own case that you lived at Fort Gibson up until the year 1879 or 1880? A Yes, sir.
Q And this Georganna and her daughter lived there until six or seven years after the war? A Yes, sir.
Q Then where did they go? A Georganna went to Fort Sill to work.
Q Fort Sill, Oklahoma? A Fort Sill, Arbuckle, out west, they call it Fort Sill.
Q How long did she stay? A The first time she went she stayed a year and then come back; she didn't take the child when she first went. She left her with Aunt Margaret Irons.
Q Well, she left the child ~~wit~~ in Fort Gibson, did she? A Out on 14 Mile Creek, she took it up there.
Q Near Fort Gibson? A Yes, sir.
Q She stayed out a year and come back and stayed how long? A Five or six months; she would go out and come back again.
Q Did she make several trips like that? A Yes, sir.
Q When did she finally come back to the Cherokee Nation to live? A I couldn't tell you that, when she come back to live, I don't know what year it was in; she come back and went to housekeeping and then she broke up and went out to Fort Sill again; I don't know what year that was in.
Q Where is Georganna Thornton living now, if you know? A She is living with her son-in-law, up above me somewhere in the Cherokee Nation.
Q Do you know how long she stayed out in the Fort Sill country all together? A No, sir.
Q You have no idea? A No, sir, I don't know how long she stayed.
Q During the time she was out there, do you know whether or not she obtained any household effects or owned any farm or improvements on the public domain of the Cherokee Nation? A She didn't have nothing but herself and the child; ~~she had no house or~~
Q She had no house or furniture? A Yes, sir, she rented a house and fixed it up and her and the child kept house and was keeping house in Gibson when I went out.
Q Was she in 1879? A Yes, sir, she was keeping house in Fort Gibson when I left.
Q When you were out of the Nation, yourself, most of the time from 1877 until 1885 and don't know anything about the whereabouts of Georganna during that time? A I was out until 1895.
Q And you don't know personally where Georganna was during that time? A No, sir, when I come back home and first saw her I saw her at Vinita.
Q You have said in your own case that you made several trips between 1877 and 1885 back to Fort Gibson? A Yes, sir.
Q Did you ever see Georganna or her daughter around there then? A I saw her daughter, but I didn't see her.

By Mr. Davenport:
Q Where was Georganna living when the war broke out, Emily? A In Fort Gibson.
Q With whom? A Amos Thornton.
Q Where was she livin, when the war closed? A Fort Gibson.
Q With whom? A Nancy Thornton.

Q Who was Nancy Thornton? A Slave of Amos Thornton.
Q How far was she living from Amos Thornton? A About as far as from here to the Depot. It was about a quarter of a mile.
Q You know Lewis R. Thornton? A Yes, sir.
Q Who was his father? A Amos Thornton.
Q Then Lewis R. Thornton's father who was the owner of Georganna? A Yes, sir.
Q Now, do you remember that Amos Thornton took Georganna Thornton away from the Cherokee nation in 1864? A No, he didn't; he took her sister, Cynthia.
Q How old was Lewis Thornton at that time? A He was a good big man.
Q Nearly grown? A Yes, sir.
Q Old enough to have remembered if his father had taken anyone away from there, their home? A Yes, sir.
Q His father and he were living there together at that time? A Yes, sir.
Q About the time the war closed and a short while after what business were they engaged in in Fort Gibson? A Amos Thornton was always judge and clerk of the court.
Q Was Lewis Thornton interested in or working any business there about the time the war closed? A None as I know of.
Q Isn't it a fact that Lewis R. Thornton, who was the son of Amos Thornton, worked for nearly two years after the close of the war in a butcher shop in the town of Fort Gibson, Indian Territory? A Not as I know of.
Q If he had would you have known it? A Yes, sir.
Q Do you know where Lewis Thornton moved to when he left Fort Gibson? A Yes, sir.
Q Where? A Out on the bayou.
Q What year? A I couldn't tell you.
Q After the close of the war? A Yes, sir.
Q He has been living there on the bayou near the town of Fort Gibson nearly ever since? A Yes, sir, he has been living right there.
Q When did Georganna Bowlin, who was then known as Georganna Thornton, return to Fort Gibson after she went out in Kansas and worked for General Davidson? A I don't know, sir.
Q She did go out in Kansas and live with General Davidson sometime after the war? A It wasn't in Kansas.
Q Where was it? A Out west here.
Q In Fort Gill? A Yes, sir.
Q She did go to Kansas, didn't she? A She might have after I left home.
Q Didn't she go there before he was a grown girl? A No, sir, for she is older than me.
Q Who was that went there and went to school? A That was her daughter.
Q What was her name? A Lizzie.
Q This is the first time that you ever testified in this case, isn't it? A Yes, sir.
Q You don't know where Georganna was living from the time the war closed until 1867, do you? A No, sir, she come backwards and forwards to Gibson in all I can tell you; she worked at Fort Gill and come backwards and forwards to Gibson.
Q General Davidson wasn't living at Fort Gibson after the close of the war, was he? A I don't know who General Davidson is, she went with some general.
Q She went with an officer of the United States Army just before the troops were mustered out at Fort Gibson? A No, sir.
Q How long did she remain in Fort Gibson before she went away with this United States officer after the troops were mustered out? A Some seven or eight years, because she lived with Lewis Thornton a while.

Q Lewis R. Thornton? A Yes, sir, in Mr. Keys' old store house.
Q That was the Lewis R. Thornton that was the son of Amos Thornton, her former owner? A Yes, sir, and she took care of the baby.
Q When was it born? A Just before the war.
Q I will ask you if it isn't a fact that Lewis Thornton lived in the old store building after the surrender? A He lived there.
Q Didn't he live there in 1864, in that old store building? A Yes, sir, and after that, too, because he had Georganna's baby and we all lived there.
Q How long did he continue to live in the Keys store building?
A After the surrender he lived there for about two years, until he got ready to move into the country.
Q He moved to the country, according to his testimony, in February, 1867, he lived there until about two years before that? A Yes, sir, he did.
Q That would have made it in the early part of 1865 that he lived in the store building, is that right? A He lived there from the time of the surrender until about two years before he moved out to the country.
Q He moved to the country to what they call the bayou in the Spring of 1867, didn't he? A I don't know what year, but it was in the Spring.
Q And he had moved from the store building about two years before he moved to the bayou? A Yes, sir, because he moved across the street.

By the Commission:
Q You say you were living in Fort Gibson about the beginning of the war and lived there until 1879 or 1880 all the time? A Yes, sir, we didn't live right in Gibson.
Q In that neighborhood? A Yes, sir.
Q And di you know Georganna Thornton about that time? A Yes, sir, she was raised with us.
Q And do you say she was in that neighborhood all the time until some seven or eight years after the war? A Yes, sir.
Q You know that to be a fact? A Yes, sir, I do, because that if she wasn't with us she was ----
Q Do you know what year the cholera broke out in Fort Gibson?
A No, sir. I was a kid and couldn't remember.
Q About how many years after the war did the cholera break out?
A I couldn't tell that.
Q Three or four or one or two? A It was more than one or two.

By Mr. Davenport:
Q Lewis R. Thornton would know exactly the years that Georganna and her child lived with him in Fort Gibson, wouldn't he? A Yes, sir, he has got learning enough to know.

JOHN L. BOWLIN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A John L. Bowlin.
Q How old are you? A 54.
Q What is your postoffice address? A Chelsea.
Q You are the husband of Elizabeth Bowlin, who is the daughter of Georganna Thornton? A Yes, sir.
Q Are you a Cherokee freedman? A No, sir.
Q When were you married to Elizabeth the first time? A In 1880.
Q Under what law were you married? A Kansas.
Q Then were you ever remarried under the Cherokee law? A Yes, sir.
Q Did you procure a license? A Yes, sir.
Q That license has been filed in this case? A Yes, sir, a copy of it.
Q Do you claim a right to enrollment as a Cherokee freedman by intermarriage? A Yes, sir.

Q Does your name appear upon any of the Cherokee tribal rolls?
A No, sir, none at all.
Q Were you ever recognized by the tribal authorities? A I have always voted since I was married.

Mr. Davenport: Objected to as incompetent and immaterial and not sufficient to show citizenship.
Commission: Objection noted.

Q Did you ever draw any money at any of the payments? A No, sir, I never have.
Q Did you ever hold any office in the tribal government? A No, sir.
Q Were you ever recognized in any manner other than being permitted to vote as a citizen of the Cherokee Nation? A No, sir, I don't think I have.
Q But you have voted at every election? A Every election.
Q Were you ever tried for any offense in any of the tribal courts?
A Never was
Q Did you ever set on the jury at any of the tribal courts? A No, sir.
Q Did you ever get out permits to employ non-citizens? A Yes, sir.

Mr. Davenport: Objected to unless permits are offered in evidence.
Commission: Objection noted.

Q Can you produce those permits? A I can't to-day; I have some at home.
Q Will you forward them to the Commission? A Yes, sir, I think I can.

By Mr. Davenport: The representatives of the Cherokee Nation object upon the further ground that they are not evidence; that no clerk has power or authority to admit to citizenship by issuing permits to anyone.
By Commission: Objection noted.

Q Did you ever present yourself before the tribal authorities for enrollment? A No, sir, never did.
Q Did you ever have a suit in any of the tribal courts against anyone or were you ever sued? A We had a suit in our court.

By Mr. Davenport: Objected to as incompetent and immaterial. The record is better evidence.
By the Commission: Objection noted.

Q State what the nature of the suit was? A It was a claim; there is a record of it.
Q In what district? A Cooweescoowee.
Q When was it instituted? A I think in 1889, '88 or '89, somewhere along there.
Q You say it was a claim, what kind of a claim? A I was trying to protect my rights of my claim from old man Hunt intruding upon me. It was during the administration of R. L. Owen.
Q That was a suit before the United States Indian Agent? A It went to court from him.
Q The tribal court? A Yes, sir, it went to the Supreme Court at Tahlequah; Judge Keys was judge, I think. It was during George Benge's administration.
Q Can you furnish the Commission with a copy of that record? A Yes, sir, George Benge could do that.
Q Will you see that the Commission is furnished with that record?
A Yes, sir, I will do that.

By Mr. Davenport:
Q You say you had a suit with old man Hunt? A Yes, sir.
Q Who brought the suit, you or he? A I brought the suit.
Q What was done with it in the circuit court? A I think they threwed it out.
Q You knew they threw it out on the ground of your not being a citizen, don't you? A I think that was it.
Q And you knew they threw it out of the Supreme Court on the same grounds, didn't they? A I expect; they threw it out; they never informed me; I don't know on what grounds.
Q Your attorney advised you that they did it on those grounds, didn't he? A He got my money and shut his mouth.
Q How did you get the information that you speak of? A Through the newspapers.
Q Well, you were interested enough to find out? A Yes, sir, I found it out.
Q When were you and your wife married? A We was married according to the laws of Kansas in 1880.
Q Where did you first meet her? A At Kansas.
Q At what point? A In Parsons; she was going to school there.
Q Where was her mother at that time? A Fort Gibson.
Q How long did Lizzie go to school at Parsons? A One term.
Q Where did you next meet her? A In Muskogee here.
Q When you married where was she? A She come back to Parsons.

By the Commission:
Q Do you know anything about the residence of your wife's mother in Oklahoma? A No, sir, she never had no residence there.
Q Never lived there after you knew her? A No, sir.

By Mr. Davenport:
Q Where did you get acquainted with her? A The first time I saw her was in 1880.
Q 1880? A Yes, sir.

(Continued by agreement until nine o'clock A. M. July 15, 1904.)

July 15, 1904. The applicants appearing by John L. Bowlin, husband of Elizabeth Bowlin, and by attorney, R. W. Blue, and the Cherokee Nation appearing by its representative, James S. Davenport, the following testimony was introduced: on behalf of the Cherokee Nation:

ELLEN S. THORNTON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Ellen S. Thornton.
Q How old are you? A 68 the 7th day of July.
Q What is your postoffice address? A Fort Gibson.
Q You are a citizen by blood of the Cherokee Nation, are you?
A Yes, sir.
Q Do you know the applicants in this case, Elizabeth Bowlin and Georganna Thornton? A Yes, sir.

By Mr. Davenport:
Q How long have you known Georganna Thornton? A I have been knowing her ever since she was a child.
Q What was your husband's name? A L. R. Thornton.
Q Is he living? A No, he died the 18th of last June, a year ago.
Q Where was Georganna Thornton living when you first knew her?
A Living with her owner, Mr. Thornton, my husband's father.
Q What was his name? A Amos Thornton.
Q Where was Amos Thornton living at that time? A Right there where Mr. Hart lives in Gibson.
Q Fort Gibson, Indian Territory? A Yes, sir.

Q How long was that before the war of the rebellion, about how long? A When I first got acquainted with the family it was about '55, but me and my husband was married in '60, and then I was with them all the time; we was married in the year '60.
Q Do you know whether or not Georganna Thornton went away from the Cherokee Nation during the war? A She never went only after my husband left and his father, her and all the colored people followed; went north and they went north.
Q Did Georganna go with the colored people? A Yes, sir, and in '62 they returned when the Army came back they all returned to Gibson.
Q Do you know who claimed to be Georganna Thornton's father? A John Fields.

By Mr. Blue: Objected to as incompetent, immaterial and irrelevant.
Commission: Objection noted.

Q After Georganna Thornton returned to the Cherokee Nation in '62, when the soldiers returned, did she continue to live there near Fort Gibson in the Cherokee Nation from that time on to the present time? A She was living there in Gibson in '64 with me and my husband, and in '64 her father came and took her , took her off somewhere in the country.
Q Then when did she next come back to Fort Gibson? A I don't know; we left Gibson.
Q How long after '64 did you and your husband continue to live at Fort Gibson? A In '67 we moved out of Gibson.
Q You lived in Fort Gibson continuously from 1864 to 1867? A Yes, sir.
Q When you moved where did you move to? A Out on the bayou where we live now.
Q How far from Fort Gibson? A Three miles.
Q When first did you see Georganna Thornton after she left your place in 1864? A I couldn't tell the first time I saw her; I never come to town myself.
Q Did you see her from 1864 to 1867? The time you moved out on the bayou? A No, sir.
Q You lived in Fort Gibson? A Yes, sir.
Q What business was your husband engaged in? A Butcher until the time we moved.
Q How long had you been living on the bayou when you saw Georganna after she had gone away in 1864? A I can't tell you how long.
Q About how long? A Must have been about six or seven years, maybe.longer, as well as I can remember; I can't recollect about how long it was; I never went to town.
Q When Georganna came back did she say where she had been? A She had been in Kansas, I don't know.
Q Did she say anything about it? A Never said anything to me about it; they all say she had been to Kansas.
Q Where is she living now with reference to where you live? A I don't know where she lives now; I haven't seen her in a long while.
Q She don't live in the same neighborhood with you? A No, sir, she lived with me and my husband about six months and her father came and took her; my recollection is awful bad; along in February or March he took her away from our house and carried her there somewhere in the country, I don't know where, and after that I reckon she came back to Gibson; I never saw her any more, but she lived with Mr. Thornton. She never did live with the old man Thornton, because he stayed with us.

By Mr. Blue:
Q Mrs. Thornton, you say you resided at Fort Gibson before the commencement of the war? A Yes, sir.
Q Where was Georganna Thornton then? A She belonged to Mr. Amos Thornton.
Q That was your husband's father? A Yes, sir.
Q She was his slave? A Yes, sir.
Q How long after that did you continue to reside at Fort Gibson? A I left there in '67, me and my husband.
Q You continued to reside at Fort Gibson until sometime in 1867? A Yes, sir, we left there in 1867.
Q When you left there where did you go? A Out on the bayou, about three miles east of Gibson.
Q What Nation were you living in on the bayou? A Cherokee Nation.
Q While living there was it a village or a farm? A A farm.
Q What time in '67 did you move? A In March.
Q Where was Georganna Thornton at that time? A I don't know; I couldn't tell.
Q Where had she been living before you moved out to the bayou? A I hadn't seen her after her father come and took her.
Q Who was her father? A John Fields.
Q Was he a Cherokee Indian? A Yes, sir, he was a Cherokee colored person.
Q Do you know whether he is on the rolls or not? A I reckon he is; I don't know.
Q His name is John Fields? A Yes, sir.
Q Was he a slave of a Cherokee? A Yes, sir.
Q Who was his owner? A That is what I don't know, what his name is either.
Q What was your husband's name? A Lewis R. Thornton.
Q And you and he resided there together at Fort Gibson from the outbreak of the war in '61 until March, 1867 and then you moved to the bayou? A Yes, sir.
Q Have you ever lived at any other places in the Cherokee Nation? A No, sir.
Q Now you say you don't know anything about where Georganna was from 1861 until 1867? A She was at home in '61, there in Gibson, and in '62, in September they all went north.
Q Who all went north? A My husband, his father and my husband's brother and the colored people followed them.
Q What colored people do you mean? A I mean what belonged to them.
Q You mean their slaves? A Yes, sir.
Q Do you know where they went? A To Fort Scott, I reckon.
Q You don't know anything about that only hearsay? A No, sir.
Q You were never in Kansas, yourself? A No, sir.
Q When they went north, did you go with them? A No, sir, I stayed in Gibson.
Q How long were your father and husband gone north? A From September until April.
Q Of what year? A '62.
Q Until April of what year? A '62.
Q Did they come back then? A They all came back.
Q You mean by that that those who had belonged to them come back then? A Yes, sir.
Q Did Georganna Thornton go with them north? A Yes, sir.
Q Did she return with them in '63? A Yes, sir.
Q When was it, you, say, that her father came and got her? A '64.
Q What month in '64? A I don't remember whether it was February or March.
Q After that, you say, you don't know anything about her? A No, sir, not until several years after that.
Q Where did her father reside at that time? A I don't know, somewhere around.

Q You said a moment ago that he came and took her away in the country? A I did, but I don't know what portion.
Q Did he live in the Cherokee Nation? A Yes, sir.
Q He didn't live far from Gibson did he? A I don't know where he lived, out in the country somewhere; I never saw Georganna any more until---
Q Mrs. Thornton, while you lived in Fort Gibson during that time did you visit about any? A No, sir.
Q How much of a town was it then? A Just a little place.
Q Was it a garrison for the soldiers? A Yes, sir, when the soldiers come back.
Q I mean after Georganna came back there, wasn't it a military camp? A Yes, sir.
Q You didn't go about much, yourself? A No, sir, I stayed right at home.
Q Are you positive that you didn't see Georganna along during those times? A No, sir, I didn't see her from the time her father took her from our house; I didn't see her any more.
Q Until when? A Until about, I couldn't tell you how long that had been, we had been living on the bayou several years; I don't know where she had been.
Q You don't know where she went with herfather? A No, sir, I don't know where she was.
Q I don't understand that you claim to know anything about her whereabouts after her father came and got her until after you moved out on the bayou? A No, sir, I never visited anywhere and after we moved on the bayou I never saw any of the people from town only as they come out where I lived.
Q I asked you if you pretended to know anything about where she was after her father took her away? A No, sir.
Q And you are not attempting to swear to where she was during that time? A No, sir, I don't know; nobody told me, and I don't know; I just know that I never saw her for several years after we moved.
Q Did you know Georganna's daughter, who is now Mrs. Bowlin? A Yes, sir.
Q How long have you known her? A Ever since she was born; the last time I saw her she was just about this high (indicating).
Q When was that? A In '64, she was about two years old, I reckon, my recollection is not good.
Q You say she was about two years old in '64? A She must have been born in '61.
Q Do you remember what time in '61 Georganna's daughter was born, now Mrs. Bowlin? A No, sir, I don't.
Q Was she born before or after the war began? A After the war began.
Q In 1861? A The war commenced in March of '64, I believe it began before that.
Q Was she with Georganna Thornton when Georganna's father came and got her? A Yes, sir.
Q He took her along? A He took Georganna and the child.
Q What was her name? A Lizzie.
Q Elizabeth? A Yes, sir.
Q Now Elizabeth Bowlin? A Yes, sir.
Q Had you seen her before, shortly before Georganna's father came after her and took her away? A Yes, she was staying with me.
Q Was Elizabeth taken away at the same time? A Yes, sir, I have never seen her since.
Q Never have seen Elizabeth since? A No, sir, not since then.
Q How old did you say you were? A I was 88 the 7th of July.
Q Of this year? A Yes, sir.
Q Your health isn't very good is it? A No, sir, I am sick all the time.
Q Is your memory good now? A No, sir, I old and have had so much sickness, just an invalid for years now; I have better recollection about war times than anything.

Q You just tell these things as you remember them? A Just as I know.

By Mr. Davenport:
Q I want to ask you if Georganna Thornton came back to Fort Gibson after the war and lived with Amos Thornton, your father-in-law, on the spot of ground where Florian Nash's store stands? A No, sir, she never lived with Mr. Thornton after the war broke out. She was his slave when the war broke out and they left, Lewis and his father, and they went.
Q Did Georganna live with either Lewis or Amos Thornton after the close of the war, in Fort Gibson, three or four years? A No, sir, she lived with me and Lewis about six months.
Q After the close of the war? A No, sir, in '64.
Q I am speaking in regard to her living either with Lewis Thornton, your husband-------? A Mr. Thornton never kept house after he came back after the war.
Q Georganna says in her testimony that she came back and lived with Amos Thornton on the site where Florian Nash's store stands for three or four years after the war, is thattrue?

By Mr. Blue: Objected to as incompetent and immaterial and not proper cross-examination and is in the nature of leading and suggesting.

Commission: Objection noted; witness may answer.

A She is mistaken about that. She lived with me about six months, and my husband, and then her father come and took her.
Q Did Georganna Thornton live with you and your husband six months after or before the close of the war? A Before the close of the war.

By Mr. Blue:
Q Where was she living with you and your husband that six months?
A Right there in Gibson.
Q In Fort Gibson? A Yes, sir.
Q Was that six months continuous? A Yes, sir.
Q Would she live with you part of the time and go off and return?
A No, sir, she lived with me until her father came after her.
Q She was living with you and your husband at the time her father came and got her? A Yes, sir.
Q At what place in Fort Gibson did you then live? A There where Mr. Hart lives now; it belonged to Mr. Thornton.
Q I that known as the Thornton place? A Yes, sir.
Q Which Thornton? A Amos Thornton.
Q Your husband's father? A Yes, sir.
Q Then it was the old Thornton home? A Yes, sir.
Q Did Mr. Amos Thornton live with you and your husband at that time?
A Yes, sir.
Q Where did he continue to live after you moved out of Fort Gibson?
A He moved down below to Greenleaf.
Q How long did he reside at Greenleaf? A Until he died.
Q When did he die, if you know? A I can't tell; I don't recollect.
Q About when do you think he died? A Must have been about; I don't remember the date.
Q About how long has he been dead? A He has been dead about 20 years, I reckon; 22 years, I expect; I don't know.
Q Mrs. Thornton, did Mr. Amos Thornton move off to Greenleaf at the same time you moved to the bayou? A No, sir, he moved away before we moved.
Q How long before? A About a year before.
Q And he continuedto reside at Greenleaf until his death? A Yes, sir.

Q After you moved to the bayou did you visit around any in the neighborhood?

By Mr. Davenport: Objected to as incompetent and immaterial.
Commission: Objection noted; witness may answer.

A Only to Mrs. Thompson's, right there.
Q Then you don't know very much about what occurred and who were about in the neighborhood where you lived? A No, sir, I didn't know anything about Gibson after I left.
Q Did you know Minerva Vann? A Yes, sir.
Q How long did you know her? A I knew the Thornton's about in '57 or '8.
Q Did you know anything about Georganna Thornton living with her?
A She was Mr. Thornton's wife, Mrs. Vann was.
Q Afterwards did she cease to be his wife? A Yes, sir, they parted.
Q After they parted do you know anything about Georganna Thornton living with her.

By Mr. Davenport: Objected to, because it isn't cross-examination of anything brought in the original testimony.
Commission: Objection noted; witness may answer.

A I don't know anything about her living with Mrs. Vann after she was freed, because she was, after I ~~lived~~ left town Mrs. Vann lived in Gibson; I don't know whether Georganna lived with her or not.
Q Then you don't undertake to say that Georganna wasn't in Fort Gibson after you moved to the bayou? A No, I don't know anything about that.
Q At the time Mr. Amos Thornton was living with you and your husband had he and Mrs. Thornton, afterwards Mrs. Vann, separated?
A They separated just after they came back from the north.
Q Did she go north? A No, sir, she stayed in Gibson.
Q You don't know anything about Georganna Thornton living with Mrs. Thornton after the spearation of her and her husband? A No, sir.
Q She could have and you not know it? A I don't know anything about Fort Gibson after I left there and moved to the bayou.

By Mr. Davenport:
Q Mrs. Thornton, how far did you live from Mrs. Cannon Vann, who was Mr. Amos Thornton's wife, during the time you lived in Fort Gibson from 1864 to 1867? A Right near.
Q About how many hundred yards? A I reckon it was about a quarter as near as I can tell you.
Q If Georganna had been living with Mrs. Vann at that time would you have known it? A Yes, sir.

By Mr. Blue: Object to asking witness' opinion upon statements of fact.
Commission: Objection noted; witness will answer.

Q Was she living there from 1864 to 1867 with Mrs. Vann who was formerly Amos Thornton's wife? A No, sir, I reckon she was living in the country, because I went to Vann's and paid her a visit just before we moved to the country.

By Mr. Blue:
Q Did you visit regularly with Mrs. Vann at that time? A Yes, sir.
Q How often were you there? A There wasn't a week passed but what we visited each other.
Q During that four years? A Yes, sir.
Q Did she live in Fort Gibson? A Yes, sir.
Q You were about a quarter of a mile apart? A I reckon it was that far, right there in sight; we were all in town; we call it a town.

Q After you moved out to the bayou how often were you at Fort Gibson? A Not at all; I reckon I have been there less than anybody that ever lived there, after I moved away.

ELIZA ANDRE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Eliza Andre.
Q How old are you? A I will soon be 57, you ought not to ask people how old they are.
Q What is your postoffice? A Fort Gibson.
Q Are you a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Do you know the applicants in this case, Elizabeth Bowlin and her mother, Georganna Thornton? A Yes, sir.
Q How long have you known them? A Ever since I can remember.

By Mr. Davenport:
Q Do you know whether or not Georganna Thornton went away from Fort Gibson during or about the close of the war? A She left there time of the war; I never saw her when she come back; I heard she come back; I never saw her.
Q Did she go away again after that? A Yes, sir, she went away in 1866 she wasn't here; I was here of and on all the time after '66.
Q When did you first see or hear of Georganna Thornton after the war? A Here at this place in '78.
Q Did you have any conversation with her about where she had been? A She said she had been in the states.
Q Did she say how long she had been back? A Said she hadn't been back very long.
Q From 1864 up until you saw her here in Muskogee in 1878, where had you been living? A Part of the time in Canadian district and part of the time in Fort Gibson; never been out of the Nation.
Q You met Georganna Thornton here in 1878? A Yes, sir, at my house; her girl nursed my girl a while.
Q What was her girl's name? A Lizzie.
Q Where did she say she had been? A Just remarked that she had been in the states.
Q How long did she say she had been back? A Said she had just got back.
Q Where has she been living since that time? A She stayed with me a while in Fort Gibson; I haven't seen Lizzie at all.

By Mr. Blue:
Q Where were you born? A In Tahlequah, Cherokee Nation.
Q How long did you reside at Tahlequah? A Me? I couldn't tell you; I went to school there quite a while and lived over there at Fort Gibson was my principal home; my mother lived there.
Q You went to school at Tahlequah? A Yes, sir.
Q Did you have a home there, your parents? A They did at one time, a short time, when I was very small.
Q When you went to school there did they reside there? A No, sir I boarded.
Q How long were you there? A I couldn't tell you, I was small.
Q About how long? A A short time, I stayed with Mr. Foreman while I was going to school there.
Q Where did your parents live then? A At Fort Gibson.
Q When you quit school there where did you go? A To Fort Gibson.
Q How long did you reside there until you changed to some other place? A Until I was about grown.
Q That is indefinite time; I can't tell what that means, how many years did you stay? A Often and on all my life.

Q When were you married? A I was married in 1865.
Q When you married did you establish a home separate from your mother's home? A Yes, sir.
Q Where was that? A In Canadian district.
Q How far from Fort Gibson? A About twenty-five miles.
Q Where do you live now? A In Fort Gibson.
Q How long did you live in Canadian district? A About nine years.
Q From sometime in 1865 until 1874 you must have been living there, then where did you move? A Here to Muskogee.
Q Then you were living here in 1878? A Yes, sir.
Q Did you live in Muskogee from 1874 to 1878? A Yes, sir.
Q How long did you continue to reside here after 1878? A I guess I lived here up till I don't remember, four or five years.
Q That would make it about 1883 when you left here, then where did you go to? A I moved out to Brushy Mountain and from Brushy Mountain back to Fort Gibson.
Q About how far is Brushy Mountain from here? A About ten miles.
Q Do you know how long you resided there? A About five months.
Q Then you moved to Fort Gibson to your mother's? A Yes, sir.
Q In the house with her? A Yes, sir.
Q And have resided there ever since? A Yes, sir.
Q Have had no separate home? A She died soon after that and I remained in the same place.
Q From 1865 to 1874 you didn't live at Fort Gibson? A No, sir, but I was there often; my mother lived there.
Q From 1874 until 1883 you were either here or at Brushy Mountain? A I moved to Brushy Mountain, but didn't stay but a short time.
Q How far is this place from Fort Gibson? A About eight miles.
Q When you saw Georganna Thornton here at Fort Gibson, as you stated in what month in 1878 was it?A I don't remember, along in the Spring.
Q Of 1878? A Yes, sir.
Q She was at your house at that time? A Yes, sir, I got her girl to nurse for me.
Q Was she visiting at your house? A No, sir, she was hired out here in town.
Q Did you ever have but the one conversation with her about where she had been? A Yes, sir.
Q She told you she had just come from the states? A Yes, sir, when I first saw her.
Q She didn't say about how long she had been away? A No, sir.
Q She just simply told you that she had been away to the states? A Yes, sir.
Q And had just come back? A Yes, sir.
Q What state? A Said she went from here to Kansas.
Q What other states? A I don't remember.
Q Georganna did go to Kansas in 1862, didn't she? A I don't know where she went from here.
Q She went north in 1862 with the Thorntons didn't she? A ~~I don't remember.~~ Not that I know of, no, sir.
Q And came back with them? A I wasn't there.
Q Didn't she go with them and come back with them? A No, sir, she didn't come back with them; I heard she was there; she didn't go away with them; I was there then.
Q You don't know whathappened in Fort Gibson when you were not there A No, sir.
Q You are not pretending to swear about things that you don't know about? A No, sir, I wouldn't be guilty of that for nothing.
Q And when you saw her in 1878 you hadn't seen her for sometime before that? A No, sir.
Q Do you know where she is now? A No, sir.
Q Have you seen her recently? A No, sir.
Q Don't know where she resides now? A No, sir.
Q How long has it been since you saw her? A Quite a while.
Q About how long? A It has been 15 years, all of it.

Q Do you know her little girl, Lizzie? A Yes, sir, when she was a girl.
Q How long has it been since you saw her? A Not for a long time, when she nursed for me.
Q Not since 1878? A No, sir.
Q You don't know much about them now? A No, sir, not now, but I have known Georganna Thornton all my life.
Q You haven't seen her for fifteen years? A No, sir.
Q You were away from Fort Gibson for nine years at one time? A No, sir, off and on I was there; every year of my life; my mother lived there, and I went there to see my mother.
Q You didn't reside there for nine years? A No, sir, but I went there.
Q You didn't reside there for five years after that? A No, sir, it wasn't my home, but that didn't keep me from going.
Q You only visited there occasionally? A Yes, sir, I went often to see my mother.
Q You stayed at home some of the time didn't you? A Yes, sir, of course I did.

FRANK SMITH, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Frank Smith.
Q How old are you? A 59.
Q What is your postoffice address? A Braggs, I. T.
Q You are a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Do you know the applicants in this case, Elizabeth Bowlin and her mother, Georganna Thornton? A I know Georganna Thornton.
Q How long have you known her? A I knew her before the war.
Q Ever since before the war? A Yes, sir.

By Mr. Davenport:
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q When did you come back to the Cherokee Nation? A In the Spring of 1866.
Q To what point did you come? A Fort Gibson.
Q How long did you live in or near Fort Gibson after you returned in 1866? A Until about 1875.
Q Was Georganna Thornton living in Fort Gibson when you returned in 1866? A Not that I know of.
Q Was Lewis or Amos Thornton living there at that time? A Yes, sir.
Q Did you see her around their place at any time after you returned until Lewis moved to the country? A No, sir.
Q Have you seen Georganna since the war? A Not until about a month ago.
Q You lived in Fort Gibson from 1866 to 1875? A Yes, sir.
Q You had known her before the war? A Yes, sir.
Q She was grown at that time? A About 14 or 15 years old.

By Mr. Blue:
Q When was she about 14 or 15 years old? A At the breaking out of the war.
Q Do you know anything about when Elizabeth Thornton was born? A I remember the circumstance, yes, sir, when the child was born.
Q You mean to say that Georganna Thornton was at that time that old? A Yes, sir, that old when the child was born.
Q You lived in Fort Gibson at that time? A Yes, sir.
Q You went off in the war? A Yes, sir.
Q And you returned in 1865? A '66.
Q What time? A Spring.

Q What month? A It was April or May, I don't remember which.
Q How long did you continue at Fort Gibson? A Mighty near all the time; went to the Choctaw Nation and was gone about a month.
Q When was that? A In the fall of 1866.
Q What month? A Along in August.
Q In what business were you engaged in Fort Gibson? A Nothing, my folks all lived there.
Q Didn't have any particular business then? A No, sir.
Q Had no occupation of any kind? A None.
Q Did you work at anything? A No, sir.
Q You were simply at leisure there in Fort Gibson? A Just simply leafing around town.
Q Did you have a home of your own at that time? A I stayed first one place then another; once in a while at Thorntons; once in a while with the Bean family; my mother was in the Choctaw Nation.
Q Did you have any home of your own at that time? A No, sir.
Q How long did you live at Fort Gibson in that way? A I went down and brought my mother up to Gibson.
Q When was that? A In 1866.
Q Fall of 1866? A Yes, sir.
Q Then you mean to say that you didn't have any home when you returned from the Army until you brought her? A Yes, sir.
Q How long did you live there at Fort Gibson after you came back from the war continuously? A Until 1875.
Q About ten years? A Yes, sir.
Q You say you knew Georganna Thornton before you went off in the war? A Yes, sir.
Q Did you come back during the war to stay? A Only a little while.
Q Were you in the Army? A Yes, sir.
Q Which Army? A Stand Watie Brigade.
Q Confederate side? A Yes, sir, confederate soldier.
Q You didn't come back, except to scout, from that time until the war was over? A Yes, sir.
Q Did you know Georganna Thornton ~~fe~~ after the war was over? A I never saw her since until here--
Q Did you see her before the war? A Yes, sir.
Q She was only about 14 or 15 years old then? A Yes, sir.
Q You didn't see her when she come back? A No, sir.
Q Would you have known her if you had seen her? A I guess so.
Q Are you sure? A Yes, sir.
Q Have you seen her since? A Not until about a month age.
Q You didn't see her there until after 1865 that you know of? A No, sir.
Q Do you say that she wasn't there? A If she had I guess I would have seen her.
Q You swear she wasn't there? A Yes, sir, she wasn't there.
Q During the ten years that you were there you swear positively that she wasn't there? A Yes, sir.
Q You are positive? A Yes, sir.
Q She couldn't have been about the Army post and you not have known it? A No.
Q Couldn't have been there cooking for anybody and you not have known it? A No, sir.
Q Did you travel around in the country anywhere? A Yes, sir, anywhere and everywhere, all over it.
Q What was your business there? A Farmed at home and worked at home there for my mother.
Q Do you know Bob Bean? A Yes, sir.
Q Do you know whether he was in charge of the command there at any time at Fort Gibson? A Not after the war that I know of.
Q During the war? A I don't know it; I wasn't there; couldn't tell you.
Q Was he to your knowledge about there at any time after the war? A Bob Bean, yes, sir.

Q You know him well, didn't you? A Yes, sir.
Q Have you testified in this case before? A No, sir.
Q When were you first talked to about? A I don't remember now.
Q Who first conversed with you concerning it?

By Mr. Davenport: Objected to as immaterial and not cross-examination.

Commission: Objection noted; witness will answer.

A Mr. Keys.
Q Who else talked with you about it? A Mr. Heeley Bell.
Q Who else? A That is all, I believe.
Q Mr. Keys and Mr. Bell are attorneys for the Cherokee Nation, are they not? A Yes, sir.
Q Did they come to see you about it or did you go to see them?
A We were all here.
Q Were you here as a witness in this case then? A No, sir.
Q They pointed her out to you and asked you if you knew her? A Yes, sir.
Q They first talked to you about it and asked you what you would swear? A They asked me what I knew about it.
Q Were they together or separate? A Separate.
Q When was that? A When we were here that evening.
Q How long ago has that been? A Sometime last month; I don't recollect the date exactly.

BLUE THOMPSON, being first duly sworn, testified as follows on behalf of applicants:

By the Commission:
Q What is your name? A Blue Thompson.
Q How old are you? A 54.
Q What is your postoffice address? A Chetopa, Kansas.
Q Are you a Cherokee freedman? A I am.
Q Do you know the applicants in this case, Elizabeth Bowlin and her mother, Georganna Thornton? A Yes, sir.
Q How long have you known Elizabeth Bowlin? A Since she was a girl.
Q How long have you known Georganna Thornton? A Pretty near since after the war.

By Mr. Blue:
Q Where did you first see her? A Fort Gibson.
Q When was that? A I think in the fall of 1866 or Spring, fall, I believe, when I went to Fort Gibson in the fall of 1866.
Q You mean by that the fall of 1866 or the spring of 1867? A Yes, sir, somewhere along there.
Q When did you go to Fort Gibson? A In the fall of 1866.
Q How long did you remain there then? A I remained there permanently two or three years possibly; didn't stay all the time.
Q Did you know Georganna Thornton all that time? A Yes, sir, I knowed her, but didn't see her all that time.
Q How frequently did you see her during that time? A I might have seen her two or three times a month.
Q Where was she to your knowledge from the time you went there in the fall of 1866 until you left there? A I don't know who she was staying with; she was working there in town; I don't know whether with Mrs. Vann or up in the garrison.
Q At Fort Gibson? A Yes, sir, might have been working for Mrs. Brown; I would see her in town from time to time.

Q When did you leave there permanently? A I believe I left there between '69 and '70 to stay away from there; I used to go and come backwards and forwards home; I didn't stay there all the time.
Q Did you know her daughter who married Mr. Bowlin? A Yes, when she was a girl.
Q How big a girl when you first know her, if you remember? A She must have been nine or ten years old, maybe; don't know for certain; didn't pay much attention to girls then.
Q Where did you see Georganna Thornton last, if you remember?
A Since when?
Q When did you see her the last time that you remember? A Sometime in March last, I think.
Q During all this time that you were there at Port Gibson state whether or not she was there also? A Couldn't say for certain; don't know.
Q During the time you were there, as you stated, at different times?
A Yes, sir.
Q Did they continue there all the time that you were there? A No, sir, not continuously, but from time to time as I was passing.
Q Since that time when you were there at Port Gibson how frequently have you seen Georganna Thornton? A Since I left Port Gibson I have seen her frequently.
Q Where? A Sometimes at Vinita; sometimes out at Lightning Creek.
Q Have you seen her outside of the Cherokee Nation since you saw her at Port Gibson? A I believe I have, yes, sir.
Q How often? A I used to visit the lodge every two weeks at Parsons; I would see her there.
Q When was that? A Don't know, sir, what year it was.
Q Where has her home been since you knew her in 1865? A '66, you mean?
Q Yes, 1866? A Her home has been in the Cherokee Nation.
Q Has she had any other home? A Not to my knowing.
Q Do you know where she resides now? A Last time I saw her she resided at Lightning Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Now, Lizzie Bowlin, since you saw her in 1866 how frequently have you seen her? A Sometimes twice a month; I go to their house and stay all night.
Q Do you know where she lives now? A Yes, sir, I do.
Q Where is that, please? A Out at Pryor Creek.
Q In the country or village? A In the country, not a village, in the country.
Q What was her husband's name? A John Bowlin.
Q Is this him here? A Yes, sir.

By Mr. Davenport:
Q Did I understand you to say that you visited a son-in-law, was it your son-in-law or hers? A Her son-in-law.
Q What is his name? A John Bowlin.
Q When was it you visited in Parsons? A I don't know what years.
Q When did you first get acquainted with John Bowlin? A In Parsons.
Q When was that? A Don't know what year.
Q He had a home there? A No, not when I knowed him.
Q Wasn't he keeping house in Parsons? A I visited him before he married.
Q After he married Lizzie and was living in Parsons? A Yes, sir.
Q He was keeping house? A Yes, sir.
Q Had a home there? A He didn't have a house; he rented.
Q Wasn't he keeping house and living in Parsons when you visited there? A Yes, sir.
Q Wasn't Georganna living there at that time? A Sometimes, yes, sir.
Q What year was this? A Don't know, sir, Mr. Davenport, I told you.

Q Where was John Bowlin living in 1867? A In Michigan, I guess, thats what he told me.
Q You never knew him then? A No, sir.
Q Did you know Georganna Thornton before the war? A No, sir.
Q You don't know to whom she belonged? A Not personally; only what I heard.
Q After you returned to Fort Gibson after the war closed did you learn whom she claimed was her former owner? A I don't know whether it was Lewis Thornton or Thompson.
Q Lewis Thornton was living in Fort Gibson? A He used to live there.
Q In '66? A I don't know whether----he run a butcher shop there.
Q In 1866? A I don't know what year.
Q Wasn't he running one there in 1865? A I don't know.
Q Was he running one there in 1868? A Possibly might have been.
Q Can you tell me a year in which you knew of your own knowledge that Lewis Thornton was running abutcher shop there? A No, sir.
Q Was you interested in the return and residence of Georganna Thornton in Fort Gibson? A Yes, sir.
Q You had never seen her until you met her there? A No, sir.
Q Did you remain in the Cherokee Nation during the war? A No, sir, left in '62.
Q Where did you go? A Chickasaw Nation.
Q Where else? A Couldn't mention the places; I was 11 years old couldn't mention all the places; was at Briartown; we left here when------
Q Were you only 11 years old in '62? A Yes, sir.
Q When did you join the Army after that? A Never joined the Army.
Q I thought you said you left here with the Army? A Left here with my boss, John Allen Thompson.
Q Did you return with Thompson? A No, sir.
Q Who with? A Bell and some others.
Q What point? A Sequoyah District.
Q What year was that? A '65.
Q How long did you remain in Sequoyah District? A I don't know.
Q How long? A Two or three years off and on.
Q Then where did you go? A From there to Fort Smith and from there to Fort Gibson.
Q Had you been running on a boat when you met Georganna Thornton? A No, sir, I had been away here before and went back.
Q How did you travel when you came to Fort Gibson the first time? A Came there over the mountain.
Q By water or by land? A Horseback.
Q Who was living in Fort Gibson when you saw Georganna Thornton there in 1866? A I don't know, Mr. Ross, Meigs, Houston, Dean, Mickey, Silas McPherson, I don't know who all.
Q Who, do you remember, was in command of the fort at that time, in 1866? A I don't know whether Col. Williams at that time or not.
Q Where was General Foresythe at that time? A I don't know.
Q Don't you know that Georganna left in 1864 and went with general Forsythe to Springfield, Missouri, and went from there to Fort Riley? A No, sir, I don't know; I don't know nothing about general Forsythe.
Q If she says she left with general Forsythe and left him at El Reno is that true? A I don't know.
Q Do you know, since you become acquainted with her, of her being with the United States Army at Springfield, Missouri, and from there transferred to Fort Riley or Fort El Reno in Oklahoma? A No, sir, I don't know that; she was out there, but I don't know how she got there.
Q What years was she there? A I don't know.
Q Was it before or after you met her at Fort Gibson? A It wasn't before, but I don't know what years after that.

Q General Forsythe was in command of the post at Fort Gibson at that time, wasn't he? A No, sir, I don't know.
Q After you claim to have seen her there in 1866 when was the next time you saw her? A In Parson.
Q How many years afterwards? A I don't know, after the railroad was there; I went there to work on the railroad.
Q You can approximate it, can't you? A It was when the railroad was there; must have been 15 or 16 years ago, when I----
Q Then you didn't see her from 1866 until 15 years ago? A I seen her in Coweescoowee district from time to time and was out at Bowlin's when Bowlin had a farm there.
Q At whose house and at what year did you see Georganna Thornton in Coweescoowee district up to the time that you say you saw her in Parsons 15 years ago? A I don't know in any particular house, excepting John Bowlin's.
Q John Bowling hadn't moved to the Cherokee Nation ~~at all~~ until after you saw her at Parsons, had he? A No, sir.
Q Then how could you have seen her at John Bowlin's house before he moved there? A Didn't say that.
Q Where and at whose house in Coweescoowee district did you see Georganna Thornton from the time you saw her at Fort Gibson until you saw her about 15 years ago at John Bowlin's house in Parsons, Kansas? A I disremember whether I seed her at Mrs. Foreman's house at Vinita or not, but from 1866 up to the time I told you I saw her in Parsons, then I saw her at John Bowlin's house on Pryor Creek.
Q How long after you saw her at John Bowlin's in Parsons until you saw her at John Bowlin's on Pryor Creek? A It was that year that you run for Council, when was that?
Q The first time was 1897. A Then you have got it.
Q Then the first time that you ever saw Georganna Thornton in the Cherokee Nation from the time you saw her in 1866 was in 1867? A To the best of my knowledge. I might have seen her at Mrs. Foreman's.
Q You don't know where she made her home from the time you saw her at Fort Gibson up until 1897? A No, sir, I don't know.
Q She did live in Kansas? A Yes, sir, I saw her at John Bowlin's in Kansas.
Q Where did she marry? A I don't know.
Q John was living at Parsons before he married? A Yes, sir.
Q Do you know whether Georganna and Lizzie had kept house in Parsons before John and Lizzie married? A I don't know.

By Mr. Blue:
Q You spoke of Lewis Thornton, was there another Thornton there?
A I believe there was one named Amos; I forget them fellows.
Q Do you know what relation they were to each other? A I believe they said they were brothers.
Q Do you know whether Georganna claimed to be the slave of Amos or Lewis? A No, sir, I never interrogated them in regard to their rights.
Q You did understand that she had been the slave of some Thornton?
A Yes, sir.

(Adjourned until nine o'clock A. M., July 16, 1904.-

July 16, 1904. Appearances same as yesterday. Blue Thompson on the stand.
By Mr. Blue:
Q What is your recollection as to what was the name of the Thornton whose slave she was? A Said Lewis Thornton; I don't know.
Q Did you know anything about that, yourself? A No, sir.
Q When you saw Georganna Thornton at Parsons, as you have stated, do you know where her home was at that time? A Her home would have been here, but she was in Parsons when I seen her.

Q Do you know where she claim her home from the time you first saw her up to the present time?

By Mr. Davenport: Objected to as incompetent and immaterial as to where she claimed.
Commission: Objection noted; witness will answer.

A Claimed the Cherokee for her home.
Q When you saw Mr. Bowlin at Parsons what was he doing there, if you know? A He was porter at a hotel, Delmont Hotel, when I got acquainted with him.
Q How long have you known Mr. Bowlin? A I don't know; quite a while; ever since he worked at that hotel; I don't know how long it has been.
Q Where has he resided since he ceased to reside or work at Parsons? A He resided in the Cherokee Nation; that is to the best of my knowledge.
Q About where, if you know? A On Pryor Creek.

By Mr. Davenport:
Q Blue, any numbers of them claimed one thing and actually did another with reference to their home, didn't they? A Yes, sir.
Q In what way did she claim the Cherokee nation her home while in Kansas? A When we would be up there we would be asking where do you live, and so on, Cherokee nation.
Q She actually lived in Kansas, matters not where she claimed?
A Yes, sir, she was in Kansas.
Q Are you on the 1880 roll? A No.

By Mr. Blue:
Q You say she was in Kansas do you know whether or not she was there as a visitor or staying with her daughter or did she have a permanent home there? A No, sir she didn't have a permanent home.

By Mr. Davenport:
Q How do you know she didn't have a permanent home there? A She was staying from one place to another, working.
Q Didn't you say yesterday they were keeping house there? A No, sir.
Q Didn't you answer on yesterday afternoon in this case that Lizzie Bowlin and her husband rented a house in the city of Parsons, Kansas, and that Georganna Thornton was living with them? A Yes, sir.
Q Where did either Lizzie Bowlin or Georganna Thornton have a home in which they lived during the time they were living and keeping house in Parsons, Kansas? A They lived right north of Dick Kennedy Livery Stable.
Q Then they didn't have any other home at the time they were living in Parsons, except in Parsons? A Not to my knowing; they were renting.
Q They were keeping house there? A Yes, sir.
Q Where did they keep house in the Cherokee Nation during the time they were keeping house in Parsons, Kansas? A I couldn't tell you where they kept house in Parsons and Cherokee Nation both. They were living on Pryor Creek.
Q Did they to your knowledge have a home in which they lived in the Cherokee Nation from 1886 up to and including the time you saw them on Lightning Creek about seven years ago? A Not to my knowing.

By Mr. Blue:
Q Do you know why Georganna Thornton and her daughter, Mrs. Bowlin, and husband, were in Kansas at the time you saw them there and for what purpose they were there?

Mr. Davenport: Objected to as incompetent and immaterial and as not cross-examination or in rebuttal.
Commission: Objection noted; witness will answer.

A I don't.
Q Do you know how they made their living at that time?

Mr. Davenport: Objected to as immaterial as to how they made their living; they had a perfect right to follow any vocation.
Commission: Objection noted; witness will answer.

A The old lady worked around; I don't know how she made it; the girl didn't work I don't think, she might, I didn't see her; she wasn't healthy and I don't think she worked.
Q The question is as to all three? A I don't know anything about all three of them. John continued to work at the hotel after I left; I don't know anything about his business.
Q Was he at work there at that time? A Yes, sir, when I got acquainted and worked afterwards.
Q As porter? A Yes, sir.
Q Were they all there for the purpose of making a livlihood? A I suppose so; I didn't inquire as to the merits of their business.

WILLIAM HUDSON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A William Hudson.
Q How old are you? A 58.
Q What is your postoffice address? A Fort Gibson.
Q Are you a citizen of the Cherokee Nation? A By intermarriage.
Q Do you know the applicants in these freedmen cases, Elizabeth Bowlin and Georganna Thornton? A I know Georganna Thornton; I don't know the other one by that name; she was a little girl when I saw her last.
Q How long have you known Georganna? A I got acquainted with her in 1866.

By Mr. Blue:
Q Where? A In Fort Gibson.
Q What time in 1866? A Along about April, I think, it has been quite a while ago; I arrived there the first of March, 1866, and I got acquainted with her in the Spring.
Q From what place did you come to Fort Gibson? A Augusta, Georgia.
Q You reached there in March? A First day of March, 1866.
Q Where have you resided since that time? A Right there in Gibson.
Q Where did Georganna Thornton reside from the time you got acquainted with her? A She lived with Mollie Rankin a while and Nancy Thornton a while.
Q How long did you see her and know of her about Fort Gibson from that time? A Up to June, 1867.
Q 1867? A Yes, sir.
Q About how frequently did you see her during that time? A I saw her every week or two, especially on Sunday going to Church. She used to wash and iron around there.
Q What were you doing there about that time? A I was waiting on the officers in the 19th Infantry.
Q During all of 1865? A '66; wasn't there in 1865.
Q From the time you came there in March, 1866, to June, 1867, were you in the same business? A Yes, sir. Cholera broke out there and the government hauled them out from town four miles and give them tents, and I got missed of this woman then, and I was acquainted with her up to that time, and I got mistracked of her. The government people scattered the people out from town on account of being too thick.

Q What do you mean when you say you got missed of her? A Out of town; I stayed in town.
Q Do you mean she left at that time and you didn't see her for a while? A I didn't see none of them for a while after they left town.
Q When after June, 1867, did you next see her? A I saw her passing through there going to the garrison where the soldiers were.
Q When was that? A I couldn't tell you, but I saw her frequently.
Q What year was that? A Latter part of '67.
Q Where was that? A Fort Gibson.
Q Now then how long did you continue to see her at Fort Gibson?
A After the latter part of '67 I didn't see her then for quite a while.
Q When did you next see her, if you remember? A Along about the census taking.
Q Do you remember when that was? A No, sir, I don't.
Q What census do you refer to? A Enrolling of the freedmen.
Q You don't remember what year that was in? A No, sir, I don't now.
Q Where did you see her then? A There in Fort Gibson.
Q Did you know Elizabeth Bowlin before she was married? A Yes, sir, she was a little girl then.
Q When did you first become acquainted with her? A In '66. She was with her mother then.
Q How frequently did you see her? A Most every time I saw her mother I saw her.
Q Where did you see them? A Passing backwards and forwards through the streets.
Q At what place? A Fort Gibson.
Q That was in what Nation? A Cherokee nation.
Q Now then since 1867, latter part of 1867, how often have you seen her? A Not but twice.
Q Where did you see her then? A Fort Gibson.
Q You say you have lived at Fort Gibson since 1866? A Yes, sir.
Q And you are an adopted Cherokee? A No, sir, adopted colored freedman. I married according to the Cherokee laws there in '67.
Q Married a Cherokee freedman? A Yes, sir, 22nd day of June, 1867, by Reverend John B. Jones; I have got my papers to show it.

By Mr. Davenport:
Q You first met Georganna Thornton in what year? A '66.
Q With whom was she living at that time? A She was living with a woman called Mollie Penkin; she is dead now; she was backwards and forwards with Aunt Nancy Thornton a part of the time; Aunt Nancy lived up in the southwest of the town and Aunt Mollie Penkin lived down on the river.
Q To whom was Aunt Nacy Thornton related of the Thornton family?
A Old Amos, I believe.
Q What relation was she to Amos Thornton? A She was no relation to him; she was a colored woman. She used to belong to old Amos they tell me.
Q You came to Fort Gibson from Georgia, you say? A Yes, sir.
Q With whom did you come? A Dr. B. B. Herbert, Surgeon of the 19th Infantry.
Q You were stationed at the garrison? A Wasn't no garrison then; we were stationed down there in town; wasn't but two building up in the garrison.
Q It had been a frontier post? A Yes, sir, right there on Grand river.
Q Who of Cherokee by blood or of United States citizens were living in Fort Gibson at that time that you can now recall? A Canon Vann as a Cherokee and F. H. Nash, a white man and W. S. Nash, Henry Meigs; I believe all the balance I think of is dead.

Q Was Lewis Thornton living there at that time? A Out in the country a piece, not far from there.
Q I will ask you if you got acquainted with Georganna Thornton and her daughter, Lizzie Bowlin, before or after Lewis Thornton moved from Fort Gibson out to the bayou where he lived at the time of his death? A Before.
Q How long before? A I couldn't tell you that, because I don't know exactly when he moved.
Q Did you get acquainted with him while he lived at Fort Gibson? A Yes, sir.
Q Why did you tell me he was living in the country? A He moved out there soon afterwards and and might have been backwards and forwards.
Q Is this the first time you have testified in this case? A Yes, sir.
Q When were you first spoken to about what you know in this case? A Not until this morning, I was summonsed over here.
Q Who summonsed you? A That man there come over and ask all I knowed and asked me to come over, Mr. Bowlin.
Q You told him when you first met the woman? A Yes, sir.
Q When did General Forsythe leave Fort Gibson? A I am not acquainted with him.

Mr. Blue: Objected to as incompetent, immaterial and not proper cross-examination.
Commission: Objection noted.
Q Did you ever know such a man was in command of the post there after you got there? A Major Lugenbiel was in command when I came.
Q I will ask you, Bill, if Georganna Thornton came back there in 1866 and lived with Amos and Lewis Thornton for three years? A I couldn't tell you that.
Q Did you know Amos Thornton? A Yes, sir, as well as I know you.
Q Did you know where Amos Thornton lived in 1866? A He was living there in Fort Gibson.
Q What part of Fort Gibson? A He was living up there close to the new town; Mr. Hart is living at the place.
Q Did Georganna Thornton live up in that part of town? A Not at that time; she was living down on the river with Aunt Mollie and was backwards and forwards with Nancy Thornton.
Q You don't know where she lived in 1866, do you? A There in Fort Gibson.
Q If she says she was living with Amos and Lewis Thornton, is that true? A I couldn't say.
Q If she says she left with General Forsythe and went to Springfield and from there to El Reno, which is now a part of Oklahoma Territory, is it true or not? A I couldn't tell that; I didn't keep track of where she went; I just know I saw her there in Gibson.
Q You know if she stayed in Fort Gibson after you went there? A I saw her from April, 1866, to June, 1867, and then I didn't keep much track of anybody; the people scattered on account of cholera.
Q Did the cholera break out in 1866 or 1867? A '67.
Q What time of the year? A Along about the first part of June or July.
Q Then L. D. Daniels, who has testified in this case, is mistaken when he says the cholera broke out in 1866?

By Mr. Blue: Objected to as incompetent, irrelevant and not proper cross-examination.
Commission: Objection noted; witness will answer.

A It broke out in '67.

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N. M. Vance, being first duly sworn, states that as stenographer

to the Commission in the pure electional office, he reported the proceedings had in the above entitled cause; that said that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

W M Maurice

Subscribed and sworn to before me this the 20th day of July, 1904.

Charles H. Sawyer

Notary Public.

Filed.
Leggie Bowlin
in Case of
Leggie Bowlin
vs
Joseph Hazel
Decided the 22nd day
of July 1884
Wm. C. Clark
Commissioner
C. N.

FILED
JUL 11 1904
COMMISSION TO FIVE TRIBES.

FILED
JUL 11 1904
COMMISSION TO FIVE TRIBES.

Prior Creek Cherokee Nation
I.T. Cooskoowee dist
January 24th 1883.

this 24th day of January
I sell my claim on the
West side of Prier creek
which consist of a field
& its limits runing down the
creek south & north to a
sirtin blaze to Lizzie
Thornton or mrs J.L. Bowlin
& her Airs for the sum of
Twenty dollars

fred martin

Department of the Interior,

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thomas,	Cherokee Freedmen D— 58;
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D—109,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—119,
Ella Mayfield,	Cherokee Freedmen D—124,
Sallie Rider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Midleton,	Cherokee Freedmen D—178;
Mary Harlin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—183,
John Kimbo,	Cherokee Freedmen D—198,
William S. Madden,	Cherokee Freedmen D—199,
Jane Bean,	Cherokee Freedmen D—205,
Albert T. Thomas,	Cherokee Freedmen D—249,
Mary Campbell,	Cherokee Freedmen D—279,
Caroline Daniels,	Cherokee Freedmen D—282,
Melvina Alberty,	Cherokee Freedmen D—287,
Dave Morris,	Cherokee Freedmen D—288,
Alexander Claggett,	Cherokee Freedmen D—303,
Amanda Martin,	Cherokee Freedmen D—304,
Eliza Martin,	Cherokee Freedmen D—317,
John E. Barnes,	Cherokee Freedmen D—318,
Bell Davis,	Cherokee Freedmen D—335,
Samuel Brown,	Cherokee Freedmen D—345,
Howard F. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—349;
Mande Manley,	Cherokee Freedmen D—353,

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
Kender Lampton,	Cherokee Freedmen D—423,
Thomas E. Allen,	Cherokee Freedmen D—424,
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Ross,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kizzie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—608,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellis Warren,	Cherokee Freedmen D—667,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—691,
Frances Martin,	Cherokee Freedmen D—692,
Mary Riley,	Cherokee Freedmen D—696,
Emanuel Taylor,	Cherokee Freedmen D—699,
Henry Sykes,	Cherokee Freedmen D—733,
Larkin P. Powell,	Cherokee Freedmen D—735,
Stepney Dawn,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—742,
Annie Foster,	Cherokee Freedmen D—743,
Mary H. Rogers,	Cherokee Freedmen D—752,
George Washington Lane,	Cherokee Freedmen D—758,
Jane Brown,	Cherokee Freedmen D—760,

Samuel L. Young,	Cherokee Freedmen D—761,
John Buckner,	Cherokee Freedmen D—780,
Willis Cox,	Cherokee Freedmen D—781,
Leonard Bowles,	Cherokee Freedmen D—787,
Malinda Murrell,	Cherokee Freedmen D—788,
Charles Claggett,	Cherokee Freedmen D—789,
Samuel Irven,	Cherokee Freedmen D—798,
Mary Ross,	Cherokee Freedmen D—799,
Maggie Nave,	Cherokee Freedmen D—808,
Neoma Nave,	Cherokee Freedmen D—816,
Ella Ross,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—880,
Georgeann Archer,	Cherokee Freedmen D—901,
John Claggett,	Cherokee Freedmen D—912,
Hattie Smith,	Cherokee Freedmen D—923,
Jack Jackson,	Cherokee Freedmen D—938,
Lula Sanders,	Cherokee Freedmen D—973,
George Hazelrig,	Cherokee Freedmen D—987,
Lizzie West,	Cherokee Freedmen D—990,
Maria French,	Cherokee Freedmen D–1010,
Mary Johnson,	Cherokee Freedmen D–1039,
Maggie Vann,	Cherokee Freedmen D–1062,
William Hudson,	Cherokee Freedmen D–1067,
Sarah Rogers,	Cherokee Freedmen D–1078,
Abraham Ballard,	Cherokee Freedmen D–1082,
Laura David,	Cherokee Freedmen D–1085,
John Deckman,	Cherokee Freedmen D–1105,
James B. Perry,	Cherokee Freedmen R— 39,
Isaac Welch,	Cherokee Freedmen R— 45,
Lawson Logan,	Cherokee Freedmen R— 48,
George Howell,	Cherokee Freedmen R— 56,
Henry Masir,	Cherokee Freedmen R— 72,
George Adams,	Cherokee Freedmen R— 82,
Annie Thomas,	Cherokee Freedmen R— 83,
Lewis McConnell,	Cherokee Freedmen R— 86,
Callie Vann,	Cherokee Freedmen R— 94,
Lou Peters,	Cherokee Freedmen R— 96,
Ida Adair,	Cherokee Freedmen R— 99,
Robert Brown,	Cherokee Freedmen R—100,
Allie Chambers,	Cherokee Freedmen R—102,
Isom Jones,	Cherokee Freedmen R—104,
Alice Gunter,	Cherokee Freedmen R—105,
Katie Adair,	Cherokee Freedmen R—106,
Carrie Martin,	Cherokee Freedmen R—107,

Benjamin Clark,	Cherokee Freedmen R—108,
Emily Looney,	Cherokee Freedmen R—110,
John Groves,	Cherokee Freedmen R—112,
Matilda McNair,	Cherokee Freedmen R—117,
Bettie Vann,	Cherokee Freedmen R—122,
Nelson Lett,	Cherokee Freedmen R—125,
Fannie Rogers,	Cherokee Freedmen R—129,
William Washington,	Cherokee Freedmen R—131,
Squire Warren Owens,	Cherokee Freedmen R—143,
Fannie Goldsby,	Cherokee Freedmen R—144,
Susan Daniels,	Cherokee Freedmen R—146,
Anderson Turk,	Cherokee Freedmen R—148,
David Lane,	Cherokee Freedmen R—155,
Felix McClain,	Cherokee Freedmen R—165,
Henderson Jones,	Cherokee Freedmen R—173,
Belle Vann,	Cherokee Freedmen R—181,
Levi Stroud,	Cherokee Freedmen R—196,
John Sumpter,	Cherokee Freedmen R—311,
Mariah Thompson,	Cherokee Freedmen R—330,
Ellen Sheppard,	Cherokee Freedmen R—337,
Lula Melton,	Cherokee Freedmen R—347.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Midleton for his wife, Cassie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William S. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as cit ens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

a.fme

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Georganna Thornton as a Cherokee Freedman, consolidating the applications of

Georganna Thornton	Cherokee Freedman D 145,
Elizabeth Bowlin, et al.,	Cherokee Freedmen D 444.

--:--

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Georganna Thornton for herself ; and by Elizabeth Bowlin for herself and minor children, Henrietta, William Henry, Eunice Cornelius, Helen C., Toda C. Leonard Elmer and Sophia A. Bowlin, and for her husband, John L. Bowlin, as a Cherokee freedman by intermarriage, but as the application for the enrollment of John L. Bowlin has been otherwise disposed of, his rights will not be considered in this decision.

The record further shows that on July 10, 1903, this Commission rendered its decision herein enrolling said applicants as Cherokee freedmen, and that said decision was duly forwarded to the Department. Thereafter, on May 4, 1904 (Departmental letter I.T.D. 2414-04), this case was remanded for further testimony and readjudication, and on June 18 and 28, and July 15, 1904, supplemental testimony in the matter of said applications was taken at Muskogee, Indian Territory.

The evidence in this case shows that the applicant, Georganna Thornton, was the slave of a Cherokee citizen at the commencement of the Rebellion; that the applicant, Elizabeth Bowlin, is a daughter of the said Georganna Thornton, and was born about the year 1862, and that said applicants, Georganna Thornton and Elizabeth Bowlin were taken out of the Cherokee Nation during said Rebellion, but returned thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation; and, that with the exception below noted, they have since continuously resided in said Nation. During the interval between the years 1878 and 1882, the said Georganna Thornton and Elizabeth Bowlin resided in the State of Kansas, but it does not appear that their residence in said state forfeited their rights to citizenship in the Cherokee Nation.

The minor applicants herein are children of the said Elizabeth Bowlin and have continuously lived in the Cherokee Nation since birth. The said Georganna Thornton is identified on the Cherokee census roll of 1867.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Joseph D. Yeargain, et al., (I.T.D. 2900-03), Georganna Thornton, Elizabeth Bowlin, Henrietta Bowlin, William Henry Bowlin, Eunice Cornelius Bowlin, Helen E. Bowlin, Doda C. Bowlin, Leonard Elmer Bowlin and Sophia A. Bowlin, should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 2[illegible], 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

Commissioner

Dated at Muskogee, Indian Territory,

this _____

SCP.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
CHEROKEE LAND OFFICE.
May 30, 1906.

Roll No. 3990.
Cherokee Freedman Card Nos. 936 and 1444.

In the matter of the application of Henrietta Davis, enrolled as Henrietta Bowlin, to select and allotment and designate her homestead in the Cherokee Nation.

Joseph Davis, being first duly sworn by John . Tidwell a notary public, was examined on behalf of the Commissioner and testified as follows:

Q What is your name?
A Joseph Davis.
Q How old are you?
A 24 years old.
Q Where do you live?
A Hayden, Indian Territory.
Q Are you a Cherokee Freedman?
A Yes, sir.
Q What is the name of your mother?
A Emma Davis.
Q Did you marry Henrietta Bowlin?
A Yes, sir.
Q When?
A June 30, 1904.
Q Is she a Cherokee Freedman?
A Yes, sir.
Q What is the name of her ~~FATHER~~ mother?
A Elizabeth Bowlin.
Q Are you and your wife living together at the present time?
A Yes, sir.
Q Your purpose in appearing at the Cherokee Land Office is to file for Henrietta Davis?
A Yes, sir.
Q Have you land selected for her allotment?
A Yes, sir.
Q Are there any improvements on it?
A No, sir.
Q All public domain, is it?
A Yes, sir.

Witness Excused.

I, George A. Lowell, being first duly sworn, state that as stenographer to the Commissioner to the Five Civilized Tribes, I recorded the testimony in the foregoing proceeding and that the above is a true and correct transcript of my stenographic notes thereof.

Geo A. Lowell

Subscribed and sworn to before me
this 6 day of June, 1906.

Chas E. Webster
Notary Public.

Cherokee Freedmen #1444

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, OKLAHOMA, JUNE 29, 1908.

In the matter of the application for the enrollment of Elizabeth Bowlin, et al., as Cherokee freedmen.

Helen F. Nail, being first duly sworn by Notary Public, Walter W. Chappel, and examined testified as follows:

BY J.O.ROSSON ON BEHALF OF COMMISSIONER:

Q What is your name? A Helen F. Nail.
Q How old are you? A 17 years.
Q What is your postoffice? A Parsons, Kansas.
Q Are you a Cherokee freedman? A Yes sir.
Q What is the name of your mother? A Elizabeth Bowlin.
Q What is the name of your father? A John Bowlin.
Q Are you married? A Yes sir.
Q When were you married? A 18th of December.
Q Last year? A Yes sir.
Q What is the name of your husband? A Albert Nail.
Q Is he a Cherokee citizen? A No sir.
Q Are you and he living together now? A Yes sir.

WITNESS EXCUSED.

---ooOoo---

Louise Smith, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause and that the foregoing is a true and correct transcript of her stenographic notes thereof.

Louise Smith

Subscribed and sworn to before me this July 2, 1908.

Walter Chappel
Notary Public.

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington, November 1, 1910

I, C. F. Hauke, Acting Commissioner of Indian Affairs, do hereby certify that the paper hereto attached is a true copy of the original as the same appears on file in this Office

In testimony whereof, I have hereunto subscribed my name, and caused the seal of this Office to be affixed, on the day and year first above written.

C F Hauke

Acting Commissioner.

Birth Affidavit.

Department of the Interior,

Commission to the Five Civilized Tribes.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation, of Helen F. Bowlin, born on the 22 day of July, 1891

Name of Father: John L. Bowlin, a citizen of the Cherokee Nation.

Name of Mother: Elizabeth Bowlin, a citizen of the Cherokee Nation.

Post-office, Chelsea, I.T.

Affidavit of Mother.

United States of America)
Indian Territory,)
Northern District.)

I, Elizabeth Bowlin, on oath state that I am 38 years of age and a ~~citizen, by~~ Freedman citizen of the Cherokee Nation; that I am the lawful wife of John L. Bowlin, who is a citizen, by marriage, of the Cherokee Nation, that a Female child was born to me on the 22 day of July 1891; that said child has been named Helen F. Bowlin, and is now living.

Mrs. Elizabeth Bowlin

Witnesses to mark:
Must be Two (Wm Lynch
Witnesses. (A. Lynch

Subscribed and sworn to before me this 7 day of March 1901.

(Seal) Wm. Madden Jr
Notary Public.

My commission expires March 25,1905
P.O. Hayden, I.T.

Affidavit of Attending Physician, or Midwife.

United States of America,)
Indian Territory,)
Northern District.)

I, Mariah Hayden, midwife, on oath state that I attended on Mrs. Elizabeth Bowlin, wife of John L. Bowlin on the 22 day of July, 1891; that there was born to her on said date a Female child; that said child is now living and is said to have been named Helen F. Bowlin.

her
Mariah x Hayden
mark

Witnesses to mark:
(Wm Lynch
(A. Lynch
(Must be two
Witnesses)

Subscribed and sworn to before me this 7 day of May 1901

Wm. Madden Jr

(Seal)

Notary Public.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. John L. Bowlin,
Chelsea, I.T.
Cherokee F-D-444
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COPY.

Cherokee Freedmen
D-444 & D-445.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Elizabeth Bowlin, et al., granting the application for the enrollment of Elizabeth, Henrietta, William H., Eunice C., Helen F., Doda C., Leonard E. and Sophia A. Bowlin and Georganna Thornton, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T

Commissioner in Charge.

Enc. H-51.

COPY.

Cherokee Freedmen
D-444

muskogee, Indian Territory, August 24, 1903

Elizabeth Fowlin,

Chelsea, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, your application for the enrollment of yourself and your seven minor children, Henrietta, William L., Eunice E., Helen T., Roda C., Leonard H. and Sophie A. Fowlin, as Cherokee freedmen. There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. D-173

Register

COPY.

Cherokee Freedmen
D-444-5

Muskogee, Indian Territory, August 24, 1903

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Elizabeth Bowlin et al., including the Commission's decision dated July 10, 1903, granting the applications for the enrollment of Elizabeth, Henrietta, William H., Eunice C., Helen F., Doda C., Leonard E. and Sophia A. Bowlin and Georganna Thornton, as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

T. B. Needles

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-176

COPY.

Cherokee Freedmen
D-444-5

Muskogee, Indian Territory, August 24, 1903.

Louis T. Brown,

Agent for Elizabeth Bowlin et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Elizabeth Bowlin et al., granting the applications for the enrollment of Elizabeth, Henrietta, William F., Eunice C., Helen F., Doda C., Leonard E. and Sophia A. Bowlin and Georganna Thornton as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. D-175

Register.

Refer in reply to
the following:
LAND.
55267/1903.

COPY

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, March 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated August 24, 1903, transmitting the record relative to the application of Elizabeth Bowlin, et al, for enrollment as Cherokee Freedmen.

Elizabeth Bowlin applied for the enrollment of herself and her minor children Henryetta, William H., Eunice C., Helen F., Doda C., Leonard E., and Sophia A. Bowlin. Georganna Thornton applied for the enrollment of herself. Elizabeth Bowlin included in her application John L. Bowlin, who claims right to enrollment as an intermarried freedman. He is not embraced in the Commission's decision.

The record shows that Georganna Thornton was the slave of a Cherokee Citizen at the commencement of the war; that she left the nation during the war but returned in 1866.

Elizabeth Bowlin is the daughter of said Georganna Thornton and returned with her mother. The other applicants embraced in the decision are the children of Elizabeth Bowlin. Applicants Georganna Thornton and Elizabeth Bowlin, the record shows, have resided in the Cherokee Nation since their return, except between 1878 and 1882,

at which time they resided at Fort Sill, Oklahoma.

July 10, 1903, the Commission held the applicants were entitled to enrollment. The Cherokee Nation, by its attorneys, protests against this decision. From the record it appears to this office that the decision of the Commission is correct and its approval is recommended.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

GAW-H

D C 14541-1904. COPY

I.T.D. 2414-1904. DEPARTMENT OF THE INTERIOR, J.P.

L.R.S. WASHINGTON. FHE

May 4, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application for the enrollment of Elizabeth Bowlin and her minor children, Henrietta, William H., Eunice C., Helen F., Doda C., Leonard E. and Sophia A. Bowlin, as Cherokee freedmen, consolidated with the case involving the application of Georganna Thornton, for enrollment as a Cherokee freedman.

Submitting the case March 17, 1904, the Acting Commissioner of Indian Affairs recommends that your decision in favor of the applicants be concurred in.

It appears that Georganna Thornton, the mother of Elizabeth Bowlin, was the slave of a Cherokee citizen at the commencement of the rebellion; that during the rebellion she left the Cherokee Nation and claims to have returned thereto, with said daughter, in 1866.

You found that the evidence shows that Georganna Thronton and Elizabeth Bowlin have resided in the Cherokee Nation since 1866, with the exception of three or four years when they resided in Fort Sill, which is now in the Territory of Oklahoma.

The attorney for the Cherokee Nation filed a protest against your decision, contending that the applicants have not submitted competent evidence to establish their claim.

The Department is not prepared to agree with this contention, though it has but little confidence in the testimony of one of the claimants' witnesses, L. D. Daniels, for the reason given in departmental letter of April 29, 1904, in the case of Adeline Hampton, et al; nor is it prepared to affirm your decision on the testimony submitted. It is true that the testimony of Lewis R. Thornton, who was 29 years of age in 1899, the son of the former owner of Georganna Thornton, and who resided in Fort Gibson from 1864 to 1867, contradicts in an emphatic manner the testimony of the applicants, relative to the residence in that town of the principal applicant, Georganna Thornton, during that time. It seems to the Department that other evidence might have been produced by the Nation. The Department does not feel justified in taking Lewis R. Thornton's testimony alone as sufficient to reject the application. It considers it advisable to remand the case and allow both parties an opportunity to submit further testimony, and for readjudication. It is directed that you pass upon the question of the rights of John L. Bowlin, who claims a right to enrollment as a Cherokee freedman. (See departmental letter of April 28, 1904, in the case of Mary Hudson, et al).

The testimony and papers attached thereto, and a copy of said Indian Office letter, are inclosed herewith.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

2 inclosures.

Cherokee Freedmen
D-444.

Muskogee, Indian Territory, May 13, 1904.

John L. Bowlin,

Chelsea, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of your wife and children as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 4, remanding the Commission's decision of July 10, 1903, granting, among others, your said application.

The Department instructs the Commission to take further testimony tending to show conclusively whether or not the parties embraced in that decision are entitled to enrollment as Cherokee freedmen.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., Thursday, June 16, 1904, and introduce testimony as indicated above.

A copy of the Departmnt's letter above referred to has this day been forwarded to your agent, Louis T. Brown.

Respectfully,

Chairman.

Cherokee Freedmen
D-444 & D-445.

Muskogee, Indian Territory, May 13, 1904.

Louis T. Brown,

Agent for John L. Bowlin et al.,

Vinita, Indian Territory.

Dear Sir:

In the consolidated case of John L. Bowlin et al., applicants for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 4, remanding the Commission's decision of July 10, 1903, granting said applications.

The Department instructs the Commission to take further testimony tending to show conclusively whether or not the parties embraced in that decision are entitled to enrollment as Cherokee freedmen.

The principal applicants have, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., Thursday, June 16, 1904, and introduce testimony as above indicated.

For your information a copy of the Department's letter above referred to is herewith enclosed.

Respectfully,

Enc. D-31.

Chairman.

Cherokee Freedmen
D-444 & D-445.

Muskogee, Indian Territory, May 13, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the consolidated case of John L. Bowlin et al., applicants for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 4, remanding the Commission's decision of July 10, 1903, granting said applications.

The Department instructs the Commission to take further testimony tending to show conclusively whether or not the parties embraced in that decision are entitled to enrollment as Cherokee freedmen.

The principal applicants have, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., Thursday, June 16, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

For your information there is herewith enclosed a copy of the Department's letter above referred to.

Respectfully,

Enc. D-32.

Chairman.

Cherokee Freedmen
D-444.

Muskogee, Indian Territory, May 21, 1904.

John L. Bowlin,

Chelsea, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of your wife, Elizabeth Bowlin, and your minor children, Henrietta, William H., Eunice C., Helen F., Doda C., Leonard E. and Sophia A. Bowlin, as Cherokee freedmen, which case was set for further hearing at Muskogee, at nine o'clock A. M., on Thursday, June 16, 1904, you are advised that upon motion of the attorney for the Cherokee Nation a continuance of one day has been granted.

You will, therefore, appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, June 17, 1904, at which time further hearing will be had in your case.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-444.

Muskogee, Indian Territory, May 21, 1904.

Louis T. Brown,

Attorney for John L. Bowlin, et al.,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Elizabeth Bowlin et al., as Cherokee freedmen, which case was set for further hearing at Muskogee, at nine o'clock A. M., Thursday, June 16, 1904, you are advised that upon motion of the attorney for the Cherokee Nation a continuance of one day has been granted.

The applicant, John L. Bowlin, has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, June 17, 1904, at which time further hearing will be had in this case.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-444.

Muskogee, Indian Territory, June 3, 1904.

John L. Bowlin,

Chelsea, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 28, asking to be advised as to how you should proceed to offer further testimony in your application for enrollment as heretofore requested by the Commission.

In reply you are again advised that the Department's letter remanding your case for further hearing, requests that stronger proof be offered tending to show whether or not you are entitled to enrollment as a Cherokee freedman. In this connection you are advised to introduce two or three responsible witnesses who are acquainted with you and can testify as to whether or not you were the slave of a Cherokee citizen before the war, as to the date of your return to the nation after the war, and your residence since that time. It is desired that you introduce testimony of witnesses other than those heretofore offered by you.

You are again reminded that your case is set for further hearing at Muskogee, Indian Territory, at nine o'clock A. M., on

Friday, June 17, 1904.

Respectfully,

Chairman.

INDEXED

233329

Bowlin, J.L.,
Chelsea, I.T.,
July 8, 1904.
Cherokee Nation.

Asks if it is necessary for him to appear in certain case on the 15th. Incloses certain papers.

C 7 L 4 4 4

Cherokee Freedmen

D44.

Muskogee, Indian Territory, July 12, 1904.

John L. Bowlin,

Chelsea, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of July 8, enclosing certain papers to be filed with your application for enrollment as a Cherokee Freedman. You ask to be advised if it will be necessary that you be present when further hearing is had in your application on July 15,.

In reply you are advised tha if you have any further testimony to introduce in your case on the date mentioned, or if you desire to be present at the introduction of testimony in behalf of the Cherokee Nation, you should appear on the date set for such further hearing. The papers forwarded with your letter will be filed with and made a part of record in your application for enrollment.

Respectfully,

Chairman.

Cherokee Freedmen

D-444-445-565-598.

Muskogee, Indian Territory, August 3, 1904.

Blue & Clover,

Vinita, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of July 20, stating that you desire to file a brief in Cherokee Freedmen D-598, Peggy Hickey, Cherokee Freedmen D-444-445, John Bolin, Cherokee Freedmen D-565, Paulina Turk, and ask that you be furnished with a copy of the record in these cases.

There are accordingly herewith inclosed copies of supplemental testimony of July 16, 1904, in Cherokee Freedmen D-565, Paulina Turk, et al., and of supplemental testimony of June 13, 1904, in Cherokee Freedmen D-444-445, John Bolin, et al. The Commission's records show that the applicant, Peggy Hickey, has heretofore been furnished with a copy of the original record in her application for enrollment, and there is on file in that case, a receipt from your firm dated July 8, for a copy of the supplemental record. In the case of Paulina Turk, et al., it appears that Edgar Smith Vinita, Indian Territory, has heretofore been furnished with a copy of the record had in the original application, and in John Bolin, et al., the appli-

cants have been furnished with the original records in their case.

Respectfully,

Encl. S-1.

Commissioner in Charge.

COPY.

Cherokee Freedman
D-444.

Muskogee, Indian Territory, January 24, 1905.

John L. Bowlin,

Chelsea, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman by intermarriage. A copy of the Commission's decision has this day been forwarded to your agent, Louis T. Brown, Tahlequah, Indian Territory.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby,
Chairman.

Encl. L-50.
Register.

COPY.

Cherokee Freedman
D-1111et al.

Muskogee, Indian Territory, January 24, 1905.

Louis T. Brown,

Attorney for John Dotson et al.,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the applications for the enrollment of John Dotson, Dave Morris, Bell Davis, John L. Bowlin, Bettie Beck, Elizabeth Duncan, Lula Sanders, Maria French, Maggie Vann, and William Hudson as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby
Chairman.

Encl. L-116.

Register.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John I. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Neve, Neena Neve, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deakman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Jaime Daby.
Chairman.

Incl. K-9.

COPY.

Cherokee Freedman
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John M. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahalsy Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

[illegible], Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Howell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, [illegible] Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, William Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Emma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hettie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Beckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mazir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

Tams Bixby.
Chairman.

Encl. K-8.
Through the
Commissioner of Indian Affairs.

(C O P Y)

Cherokee Freedman
D-445--444.

Muskogee, Indian Territory, February 24, 1905

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation.

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the applications for the enrollment of Georganna Thornton, Elizabeth , Henrietta, William Henry, Eunice Cornelius, Helen F., Doda C., Leonard Elmer, and Sophia A. Bowlin, as Cherokee freedmen.

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicants. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully ,

(Signed) TAMS BIXBY
Chairman

Encl. L-53

COPY.

Cherokee Freedmen

D-444.

Muskogee, Indian Territory, March 16, 1905.

Elizabeth Bowlin,

Chelsea, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting, among others, the application for the enrollment of yourself and your minor children, Henrietta, William Henry, Eunice Cornelius, Helen F., Doris C., Leonard Elmer and Sophia A. Bowlin, as Cherokee freedmen.

You are advised that you will not be permitted to make allotment selections until your names have been placed on a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-25.

COPY.

Cherokee Freedmen

D-445, D-444.

Muskogee, Indian Territory, March 16, 1905.

Louis T. Brown,

Attorney for Georganna Thornton, et al.,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the applications for the enrollment of Georganna Thornton, et al. as Cherokee freedmen.

Respectfully,

Incl. S-24.

(SIGNED) Tams Bixby.
Chairman.

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following: Land. 7908-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Warkham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Nender Lempton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Rettie Beck Ellis

Warren, Willie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Wave, Neoma Wave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the

Cherokee Nation or by any United States tribunal and that name is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M:
W.

(C O P Y)

Cherokee Freedmen
Nos. 1443-1444

Muskogee, Indian Territory, March 31, 1905

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted, for consideration and appropriate action, protest filed with the Commission on March 29, 1905, on behalf of the Cherokee Nation in the matter of the application for the enrollment of Georganna Thornton, et al. as Cherokee freedmen.

You are advised that on February 24, 1905, the Commission rendered its decision granting the application for the enrollment of the said Georganna Thornton et al. as Cherokee freedmen, and advised the attorneys for the Cherokee Nation that they would be given fifteen days from that date within which to file such protest as they might desire to make against the action of the Commission in enrolling said applicants. On March 16, 1905, no protest having been filed, these applicants were notified of the Commission's action , and on March 20, 1905, listed for enrollment upon straight cards.

Respectfully,

Incl. S-1.

(Signed) TAMS BIXBY
Chairman

Through the

Commissioner of Indian Affairs.

W. C. F.
WHE.

DEPARTMENT OF THE INTERIOR,

D. C. 20877-1905. WASHINGTON. April 17, 1905.

I. T. D. 2904-1905.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Marlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross,

Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dann, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neema Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of

its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

D-444.

Muskogee, Indian Territory, April 28, 1905.

John L. Bowlin,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-444.

Muskogee, Indian Territory, April 28, 1905.

Louis T. Brown,

Attorney for John L. Bowlin,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the application for the enrollment of John L. Bowlin as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D-14, et al.
Muskogee, Indian Territory, April 26, 1905

Bell, Hastings & Davenport ,
Attorneys for the Cherokee Nation.
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,
(SIGNED). Tams Bixby.
Chairman

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

J. H. A.

Refer in reply
to the following:
Land.
25412-1905.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. May 31, 1905.

The Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

It appears from your letter of March 31, 1905, addressed to the Secretary of the Interior, that on March 29, 1905, the Cherokee Nation filed a protest with the Commission in the matter of the application for enrollment as Cherokee Freedmen of Georganna Thornton et al.,

It further appears that on May 4, 1904, the case was remanded by the Department to the Commission for readjudication.

Please inform this Office whether the protest of the Cherokee Nation is on file with the record.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

Cherokee Freedmen
D-443-444.

Muskogee, Indian Territory, June 21, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Georganna Thornton, et al., as Cherokee freedmen, including the Commission's decision dated February 24, 1905, granting said applications.

This case was, on May 4, 1904, remanded for further hearing and readjudication, and should have been returned to the Department with the Commission's letter of March 31, 1905.

Respectfully,

Incl. S-56.

Chairman.

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen
D-444.

Muskogee, Indian Territory, June 21, 1905.

Elizabeth Bowlin,

Chelsea, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting, among others, the application for the enrollment of yourself, et al., as Cherokee freedmen. There has heretofore been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-54.
Register

Chairman.

Cherokee Freedmen
D-445-444.

Muskogee, Indian Territory, June 21, 1905.

Louis T. Brown,

Attorney for Georganna Thornton, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the applications for the enrollment of Georganna Thornton, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-55
Register.

Chairman.

COPY.

Cherokee Freedmen
D-445-444.

Muskogee, Indian Territory, June 22, 1905.

Commissioner of Indian Affairs,

Washington, D. C.

Sir:

Replying to your Office letter of May 31, 1905 (Land 25412-1905), you are respectfully advised that the protest filed on behalf of the Cherokee Nation against the decision of the Commission dated February 24, 1905, granting the applications for the enrollment of Georganna Thornton, et al., as Cherokee freedmen, was transmitted to the Department with the Commission's letter of March 31, 1905.

You are further advised that the Commission's decision, together with the record of proceedings had in the case, was transmitted to the Department on June 21, 1905.

Respectfully,

Chairman.

C O P Y .

Refer in reply
to the following:
Land 25412-1905
48711-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Washington, August 8, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 21, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Georganna Thornton for herself; and by Elizabeth Bowlin for herself and her minor children, Henrietta, William Henry, Eunice Cornelius, Helen F., Doda C., Leonard Elmer and Sophia A. Bowlin.

February 24, 1905, the Commission decided favorably to all the applicants.

The recprdsshows that on July 10, 1903, the Commission rendered a decision enrolling the applicants herein as Cherokee Freedmen, and that thereafter, on May 4, 1904 (I.T.D. 2414-1904) the case was remanded by the Department for further testimony and readjudication.

The record further shows that Georganna Thornton was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that Elizabeth Bowlin is a daughter of Georganna

Thornton and was born about the year 1862, and that Georganna Thornton and Elizabeth Bowlin were taken out of the Cherokee Nation during the war, but returned thereto on or before February 11, 1867; and, with the exception hereafter noted, they have continuously resided in the Nation.

During the interval between the years 1878 and 1882 Georganna Thornton and Elizabeth Bowlin resided in the state of Kansas, but it does not appear that they forfeited their rights to citizenship in the Cherokee Nation. The minor applicants are children of Elizabeth Bowlin and have lived continuously in the Cherokee Nation since birth.

There is also enclosed a letter from the Commission dated March 31, 1905, transmitting a protest of the Cherokee Nation in this case which has been considered.

In view of the record the approval of the Commission's decision favorable to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMM

W

J.P.
fhe

DEPARTMENT OF THE INTERIOR,

I.T.D.9942-1905.
D.C.No.45448-1905.

Washington, September 27, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Georganna Thornton, Elizabeth, Henrietta, William Henry, Eunice Cornelius, Helen F., Doda C., Leonard Elmer, and Sophia A. Bowlin, as Cherokee Freedmen, including its decision of February 24, 1905, granting said applications.

Reporting August 8, 1905, the Indian Office recommends that said decision be approved. A copy of its letter is inclosed.

The testimony is somewhat contradictory, the preponderance, however, being in favor of the claimants. The Department has endeavored by remanding the case May 4, 1904, for re-hearing, to furnish due opportunity to all concerned to show the facts. The Commission to the Five Civilized Tribes had the witnesses before it and was better able to judge as to their reliability than the Department, and having found in favor of the applicants in two decisions, the Department does not feel warranted in reversing its

decision, notwithstanding the protest of the Nation. The decision is accordingly affirmed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen

COPY.

D-444.

Muskogee, Indian Territory, October 5, 1905.

Elizabeth Rowlin,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting your application for the enrollment of yourself and minor children as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 27, 1905.

You are further advised that you will not be permitted to make allotment selections for yourself and children until your names have been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Commissioner.

LS

Cherokee Freedmen

D-445, et al.

Muskogee, Indian Territory, October 5, 1905.

Louis T. Brown,

Attorney for Georganna Thornton, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the application for the enrollment of Georganna Thornton, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 27, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Incl. S-47

Cherokee Freedmen

D-445, et al.

Muskogee, Indian Territory, October 5, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the applications for the enrollment of Georganna Thornton, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 27, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Incl. S-48

FILED
JUL 11 1904
COMMISSION TO FIVE TRIBES.

REGISTRY RECEIPT

Post Office at FT. GIBSON, I. T.

Registered Letter / Parcel No. Rec'd 14 1901 , 190

of

addressed to

Hubbard Bros. [illegible]

, P. M.

OFFICE DISTRICT CLERK,
COOWEESCOOWEE DISTRICT.

Mr [illegible]

[illegible] *Indian Territory*

THIS IS TO NOTIFY YOU THAT THE

Permit of [illegible] *Expired* [illegible] *189*

" " *189*

" " *189*

" " *189*

If you wish to renew them, or have others who you want permitted, please do so

Respectfully, *R. LEE COMER,*

Clerk Cooweescoowee District.

Cher Fr 1445

Cher Fr 1445

1445

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JULY 1st, 1901.

In the matter of the application of Mattie Merrell for the enrollment of herself and five children as Cherokee Freedmen; said Merrell being sworn and examinedby Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Mr. Louis T. Brown, for Applicants.
Mr. J. S. Davenport for Cherokee Nation.

Q What is your name? A Mattie Merrell.
Q How old are you? A 32.
Q What is your post office address? A Lenapah.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman?
A Yes, sir.
Q Didyouever apply for enrollment in any other Tribe or Nation?
A No, sir.
Q Who do you want to enroll besides yourself? A Five children.
Q Give me the names of your children? A Willie.
Q Willie Merrell? A Yes, sir.
Q How old is Willie? A 12.
Q Named Willie or William? A Willie.
Q The name of the next one? A Sadie.
Q How old is Sadie? A She is nine.
Q The next one? A Ethel.
Q How old is Ethel? A She is six.
Q Well? A Cora.
Q How old is Cora? A She is four; Charley.
Q Charley or Charles? A Charles.
Q How old is Charles? A Six months.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Lewis Merrell.
Q Is he a citizen? A No, sir
Q What is your father's name? A Andy Merrell.
Q What is your mother's name? A Sallie Humphreys.

BY MR. BROWN.

Q Where were you born, Mrs. Merrell? A I don't know what district, at Fort Gibson.
Q What Nation? A Cherokee Nation.
Q Lived here all your life? A No, sir, not all my life.
Q Where have you lived? A Caddo, Caney and Summit and Wagoner.
Q You say your mother's name is Sallie Humphreys? A Yes, sir.
Q Is she the Sallie Humphreys who has been listed for enrollment?
A Yes, sir.
Q you claim your citizenship through her? A Yes, sir.
Q Where were these children born? A Born at Caddo.

BY COM'R NEEDLES:

Q Where was Willie born? A Caddo.
Q Where is that? A Choctaw Nation.
Q Where was Saide born? A Caddo.
Q Where was Ethel? A Caney.
Q Where is Caney? A Choctaw Nation.
Q Where was Cora born? A Here, Cooweescoowee.
Q Cherokee Nation? A Yes, sir.
Q Where was Charles Born? A Cooweescoowee.

BY MR. BROWN:

Q What does your husband do? A He is a Section Foreman.
Q He goes wherever the railroad Company sends him?
A Yes, sir.
Q And you go wherever he goes? A Sometimes I do and sometimes I don't.
Q Have you any farm upon the public domain of the Cherokee Nation?
A Yes, sir.

BY MR. DAVENPORT:

Q Where is that farm located? A Hickory Creek.
Q How far from here? A I don't know.
Q Who lives near by the farm? A Mr. Brown.
Q What Mr. Brown? A Hammer Brown.
Q You have a farm up there by George Hammer Brown?
A Yes, sir.
Q Who did you buy the farm from? A John V. Kinney.
Q Now, you have lived you say at Caddo in the Choctaw Nation?
A Yes, sir.
Q And at Caney in the Choctaw Nation? A Choctaw Nation.
Q Where is Caney from Caddo? A About eight miles.
Q Where were you married? A Married at Caddo.
Q You were living there before you and your husband were married?
A Yes, sir.
Q Where were you living when you can first recollect? A Fort Gibson.
Q How long did you live there after you got big enough to recollect? A I don't know, I lived there with my grandmother.
Q I thought you were Sallie Humphreys Daughter?
A Yes, sir, she cooked out.
Q Where was your mother at that time? A Cooking: she was cooking for the officers.
Q She wasn't cookin g for the officers that you can remember?
A Yes, sir.
Q You have never lived anywhers except the Choctaw Nation?
A No, sir
Q N ever lived in Kansas? A No, sir.
Q Texas? A No, sir.
Q Arkansas or Oklahoma? A No, si r.

BY COM'R NEEDLES:

Q Where were you born, do you know? A No, sir
Q Choctaw Nation? A No, sir.
Q Where can you first redollect being? A Fort Gibson.
Q When did you remove to the Choctaw Nation? A I don't know; I didn't move, I just went to Mama.
Q Was your Mamma living there when you x lived at Fort Gibson?
A She lived backwards a d forwards, she cooked out; that was er home.
Q You say your mother wen t to the Choctaw Nation before you did?
A Yes, sir.
Q How long? A I could not t ell you.
Q How old were you when you went to the Choctaw Nation?
Q About 14 or 15 years old.
Q And you married in the Choctaw Nation? A Yes, sir.
Q What is your husband's name? A Lewis Merrell.
Q Is he a Choctaw citizen? A No, sir.
Q Did you ever have t ese children enrolled down there as Choctaw citizen? A No, sir.
Q Now, your oldest child was born in the Choctaw Nation?
A Yes, sir
Q They were All b orn there except t he y o younger? A Yes, sir.
Q Q Cora is four years old? A Yes, sir.
Q Then you must have come from the Choctaw Nation about four years ago ? A I have been here longer than that; of course I was not out where I am living.
Q Ethel was born in the Choctaw Nation? A Yes, sir.
Q She is six years old? A Yes, sir.
Q How old was she when you come back to the Cherokee Nation?
A She was about a year old.
Q Well, then Cora was born in the Cherokee Nation? A Yes, sir.
Q So you could not have been back from the Choctaw Nation more four or five years a oult you? (No response.)
Q You kept house in the Choctaw Nation didn't you?
A No, sir, I didn't have any house.

Q Were these children all born out of doors? A In the rai lroad Company's house.
Q A person could keep house without owning a house; you kept house down there with your husband? A Yes, sir.
Q Lived down there? A Yes, sir.
Q You say your mother's name is Sallie Humphreys? A Yes, sir.
Q You c laim citizenship through your mother? A Yes, sir.

BY MR. BROWN:

Q I believe you stated your husband was working for the riailroad? A Yes, sir.
Q Sent by the railroad Company from place to place? A Yes, sir.
Question objected to by Attorney for Cherokee Nati on.
Objection sustained by the Commissioner.

BY MR. DAVENPORT:

Q Your mother when you can remember was living at Caddo?
A She was living in the Garrison.
Q Sinc e that time hasn't she lived at Daddo in the Choctaw Nation, your mother I am speaking of? A Yes, sir.
Q And didn't you go there and live with her? A With my gradmother did.
Q I don't care when it was? A Yes, sir.
Q Now, t hen have you ever lived in the Cherokee Nation after you went to Caddo to live with your mother at all until after Ethel was born, four or five years ago? A Yes, sir, I have been back.
Q Well, have you lived here? A No, sir.

BY COM'R NEEDLES:

Q Are these children all living with you? A Yes, sir.

COM'R NEEDLES: Mattie Merrell applies for the enrollment of herself and five children. She avers that she is now married to one Lewis Merrell, a non-citizen. She applies for the enrollment of her five children, to-wit: Willi am, Sadie, Ethel, Cora and Charles. The three older children were born in the Choctaw Nation and the testimony shows that she w s born in the Cherokee Nation and removed to the Choctaw Nation and there was married and returned to the Cherokee Nation some four or five years ago. She avers that her children are all living. She avers that she is the child of Sallie Humphreys and she asks that the testimony taken in the application of Sallie Humphreys, her mother, upon doubtful card #958, be made part of the record in her case, whi ch will be done and a copy thereof filed herewith. Upon examination of the rolls of the Cherokee Nation the n ame of said Mattie Merrell is found as follows:

Kern-Clifton Roll, page 109, #2722, Mattie Merrell, Tahlequah District.

Page 109, #2725, Willie Merrell, Tahlequah District.

The Wallace Roll, page 116, #2458, Mattie Merrell, address "Caddo, Chi ckasaw Nation."

Her oldest child, Willie, is also identified upon the Kern-Cli fton roll, and it will be necessary for her to file satisfactory proof ofher four younger children's birth. They will now be listed for enrollment as Cherokee Freedmen upon a doubtful card. She will be notified by mai l of t he action of the Commission at her post office address.

---oooOOOooo---

J. O. Rosson, b ing first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the t estimony and proceedings in t his case, and t hat the foregoing is a true and complete transcript of his stenographi c not es thereof.

Subscribed and sworn to before me this July 17th, 1901.

Commissioner.

B 15911

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 1 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date [illegible]

Post Office [illegible]

District [illegible]

1. Name [illegible] Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife [illegible] Age [illegible]

Owner's name Citizenship

Year [illegible] Page [illegible] No. 22 District [illegible]

Parents:

Father [illegible] Citizenship

Mother [illegible] Citizenship

Names of Children:

3. Willie Merrill Year [illegible] Page [illegible] No. [illegible] Dist. [illegible] 12
4. Carrie " Year Page No. Dist. 9
5. Ethel " Year Page No. Dist. 6
6. Cora " Year Page No. Dist. 4
7. Charles " Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12 Year Page No. Dist.

Application made by Stenographer

Kauffman

On Wallace Roll P. 116 #2458 — Mattie Merrell
3,4,5 Arda Birth [illegible] issued

[illegible] 10, 95

Examined in [illegible]

Commissioner.

TOST, Washington, September 10, 1909.

Supplemental to the statement made before me at Muskogee, Indian Territory, on the 17th day of July, 1909, in the matter of the application of Mrs. Ida Bobson, Muskogee, Indian Territory, for the enrollment of her minor children, Ida Bobson and Ruth Bobson, as members of the Muscogee (Creek) Nation.

Commissioner Meiers, 13th day of September, 1909.

Present: Commissioner Wise.

Case No. 1 C. Bobson, being duly sworn, says that as stenographer to the Commission of the Five Civilized Tribes he was present at the hearing in the above case and took the testimony in shorthand and transcribed the same as herein appears.

Subscribed and sworn to before me this 13th day of September, 1909.

(Signed) Chas. A. Meiers,
Commissioner.

Case No. 1 C. Bobson vs. Muscogee (Creek) Nation.

Witness called and sworn, testified as follows:

Examined by Mr. Wise:

Q. What is your name? A. Ida Bobson.

Q. Are you married? A. Yes sir.

Q. What is your husband's name? A. Jim Bobson.

Q. Is he living? A. Yes sir.

Q. Where does he live? A. Muskogee.

Q. Are you living with your husband? A. Yes sir.

Q. Do you live together as husband and wife? A. Yes sir.

Q. Do you live together as husband and wife? A. Yes sir.

Q. Do you live together as husband and wife

To be filed with case of Mattie Merrell, C.F.D.#970.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE IVILIZED TRIBES,
NOWATA, I.T., JUNE 29th, 1901.

In the matter of the application of Sallie Humphreys for the enrollment of herself and one child as Cherokee Freedmen, she being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith for Applicants.
W. W. Hastings for Cherokee Nation.

By Com'r Needles: What is your name? A Sallie Humphreys.
Q How old are you? A 60 so said.
Q What is your post office? A Lenapah.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A No, sir.
Q Who do you want to have enrolledbesides yourself? A One daughter.
Q What is her name? A Ada.
Q How old is she? A 19 years.
By Smith: What is your daughter's name? A Mattie Merrell.
Q Is she married to Lewis Merrell? A Ye , sir.
Q Where does she live? A Coooweescoowee district.
Q Where does your other daughter live? A With me.
Q How long have you lived where you do? A I went there the fall before the payment.
Q Where were you before that? A In a hotel at Caddo, Choctaw Nation, but my home was then at Fort Gibson.
Q Were you a slave before the war? A Yes, sir.
Q Who did you belong to? A Mary Chambers.
Q Where did she live? A In Sequoyah district.
Q Was she a citizen of the Cherokee Nation? A Yes, sir.
Q Where was she lving when the war commenced? A In Flint district
Q Where were you living then? A With her.
Q Were you taken out of the Cherokee nation during the war?
A Yes, sir. went with her to Texas.
Q When did you come back to the Cherokee Nation? A With her, in '65 so she said.
Q How old are you now? A 60 years old so Mrs. Chambers says, I asked her three months ago.
Q Where did you come to on your return? A Seqyoauah.
Q What part of Sequoyah? A The lower part of it between Fort Gibson and Fort Smith, there is a place called the Nine Mile House and I was ten mles from that on a place she bought.
Q Near Fort Smith? A Yes, sir.
Q And in Sequoyah district, Cherokee Nation? A Yes, sir.
Q How long did you stay there? A Lived 3ith her about a year and got a message from my mother that she was dying and I went to Fort Gibson and staid there with her until she got well and then went back
Q Where have you lived since? A I staid with her until her father died and then went to work for the United States officers at Fort Gibson and staid there two and a half years and then went to Fort Smith and worked four weeks and then went to Caddo.
Q Where did you start from when you returned to the Cherokee Nation
A I believe the county was Lamar County, Texas, I was still with her.
Q How long afterpeace was declared was it that you returned? A Seems to me it was the same year, in the fall, we stoppec in the Choctaw Nation all winter and come here in the spring.
MR. HASTINGS: Did you come through Fort Smith when you returned? A Yes, sir.
Q What is your mistress' name? A Mary Chambers, it was Nave.
Q Where does she live now? A Sequoyah, if you know where the mouth of Sallisaw, well it is 10 miles south of there.
Q And you went there in the spring of 1866? A Yes, sir, we started in the fall, stopped all winter in the Choctaw Nation and the next

spring when it turned warm we come on.
Q Did you come to Webbers Falls? A Yes, sir, I have been there too.
Q Who kept a store there A Seems to me there was man named Perry or Breedlove had one there.
Q And you went by the Nine Mile House? A Yes, sir, we pased a place that used to be the old Childers Station, it has some other name now, Muldrow I think.
Q How long did you stay with your Mistress after you got back here?
A A year and six months, but I went to seemy mother during that time and staid with her until she got weell and then came back to my Mistress' place.
Q What was your mother's name? A Katy Nave.
Q How long did you stay at Fort Gibson? A About three months before I went back.
Q Where do you live now? A Two Miles the other side of Lanpah.
Q How long haveyou been there? A Since the winter of the Lightning Creek payment.
Q Where did you come from there? A Caddo, worked in a hotel there
Q Where were you married? A Right there in the hotel at Caddo.
Q How long had you worked there n the hotel? A One year at one time.
Q This last time? A 6 months, 5 or 6 months.
Q You married Humprheys there? A Yes, sir.
Q Where did you go from to Caddo? A Fort Gibson.
Q How long had you been in Fort Gibson when you left there?
A I had been working there two and a half years before I went to Caddo.
Q How long after the war b feroe your mother died? A 6 or 7 years
Q Did you live there until your mother di ee? A I was working the hotel when my mother died.
Q Who did you work for in Fort Gibson? A Used to work for Mr. Cunningham who married Frances Nave, he used to keep the post office there.
Q You came back with your Mistress to Sequoyah in '66, and staid with her until you heard of your mother being sixk and then went to see her A Yes, sir.
Q Then you went back to Sequoyah? A Yes, sir.
Q And then back t o see your mother? A Yes, sir.
Q And then to Caddo? A Yes, sir.
Q And when your mother diec you was there? A I went there before she died.
Q And your mother died 6 or 7 years before the war? A Yes, sir.
Q And you had gone to caddo before your mother's death? A Yes,sir.
Q And you never came back here to live until the time of the lighting Creek payment? A Yes, sir, I did.
Q Did you have a house in Fort Gibson? A My mother had a house.
Q Where was your you husband then? A He is a citizen down there; he is a Chickasaw and I am a citizen up here.
Q Do you know Dolly Humphreys? A She lives at Winniewood.
Q You say your husband is down there? A Yes, sir, he don't want to be caught up here and I dont want to be caught down there.
Q When did you first see L. D. Daniels after the war?
A When I went to see my mother.
Q Was he issuing rations then? A I don't know.
Q Was that before or after Christmas? A I don't know.
Q And you don't know what year it was? A No, sir.
Q Where did you first see Columbus Lasley A He was there too.
BY THE COMMISSION: How many children have you? A Two.
Q Where were they born? A One was born in the Choctaw Nation and one was born in Sequoyah.
Q What is the one's name for whom you apply? A Ada.
Q Where was she born? A In the Choctaw Nation.
Q Where was the next one born? A In Sequoyah.

Q Where does she live? A With me.
Q Your husband is a Chickasaw? A Yes, sir.
Q Did your husband ever try to have these children enrolled as Chickasaws? A If he did I don't know it.
Q Is your husband enrolled there? A Yes, sir.
Q Dont he live here at all? A Yes, sir, he comes here some times.

BY HASTINGS: Where did Mattie marry? A At Caddo.
Q Has she any children? A She has five.
Q What is the oldest one's name? A William.
Q How old is he? A He is 10 or 11 years old.
Q He is dead isn't he? A He is alive.
Q Where was he born? A Down there on the railroad, her husband was a railroad man at a place called Caney in the Choctaw Nation.
Q Where was the next one born? A There.
Q Where the next one? A There.
Q Next one? A There.
Q How old is the third one? A I don't know exactly.
Q 5 or 6 years old? A Somew ehre along there.

L. D. DANIELS, called and sowrn as a witness for the applicant:
Q What is your name? A L. D. Daniels, age 56, post office Claremore.
Q Do you know this applicant, Sallie Humphreys? A Yes, sir.
Q How long have you known her? A Got acquainted with her in '65, summer of spring of '65
Q Where? A At Fort Gibson, sir.
Q How long did you know her after you got acquainted with her?
A Until '72 or 3.
Q Where was she in '66? A There in Fort Gibson.
Q Where is she living now? A On Hickory creek, a mile from my place.
Q How long has she been living there? A Only about six years since she came up there, maybe a little longer.
Q You didn't know her before the war? A No, sir.

HASTINGS: What became of her when she left Fort Gibson?
A I believe she went to the Choctaw Nation.
Q Do you know where she came from when she came here five or six years ago? A No, sir.
Q You never saw her between the time you first saw her at Fort Gibson and five or six years ago? A Twice, before the Wallace payment and then in Fort Gibson the time that Bushyhead was going to run.
Q Was it in the fall? A In August, 1879, I was there at the convention.
Q Who did she live with there in Fort Gibson? A With her mother Katy Nave and cooked for the officers.
Q Do you think that she was there in the spring of '65?
A Yes, sir, the spring or summer.
Q And worked there? A She was in town there then.

BY SMITH: When did you leave Fort Gibson to come up here?
A 4th of December, 1875.
Q Have you been up here ever since? A Yes, sir.

BY HASTINGS: She left there before you had? A If she did I dont know it.
Q You said she left there in '72 or 3? A I said I knowed her there till then.

COLUMBUS LASLEY, called and sworn as a witness for the applicant:
Q What is your name? A Columbus Lasley.
Q What is your age? A 53.
Q Where do you live? A Tahlequah.
Q How long have you lived there? A I came there in '74.

Q Where did you move from there? A Fort Gibson.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant? A Yes, sir.
Q Did you know her before the war? A Yes, sir.
Q Was she a slave A Yes, sir.
Q Who did she belong to? A Alex Nave in Flint district.
Q Was he a married man A Yes, sir, I suppose so.
Q Do you know the family he married into? A I don't know exactly, it was the Timberlake or Chambers family.
Q When did you see this applicant first after the war? A In '65 or '66.
Q Where? A Fort Gibson.
Q How long was she there? A I saw her again in '69 I guess, we went down to Greenleaf south of Fort Gibson, I and her and Jim Quirt, Luster Foreman, Roswell Mackey and some others.
Q Do you know in what time it was in '65 that she returned from where she had been taken out during the war? A I can't say for certain, it was before I went to Four Mile Branch, we had the cholera in 67 and it was before that time.
Q How lont before that time? A I can't say for certain.
Q But you think it was in '65 or 66? A Yes, sir.
Q How long did she stay there or around there? A I think until about 68 or 9.

BY HASTINGS: How long did she live there after '69?
A I don't know, I left that neighborhood in '74.
Q Had she gone away from t here before you left? A Yes, sir.
Q Don't you know where she went? A I heard she went to the Choctaw Nation.
Q Did you ever see her around Fort Gibson after that? A No, sir.
Q Was she married then? A I don't know.
Q Did she have a husband with her? A No, sir, not that I saw.
Q What name did she go by at that time? A Nave is what I called her.
Q Never called her Humphreys? A No, sir.
Q You don't know if she is married to Humphreys or not? A No, sir.
Q All you know is that you think you saw her there in '65 or 66 and until '69 and that you heard she went from there to the Choctaw Nation? A Yes, sir, that is all.

Kern Clifton roll examined and the name of the applicant found as follows:
Page 109, No. 2721, Sallie Humphries, Tahlequah district.
page 109, No. 2723, Ada Merrell, "

Q Did your child ever go by the name of Merrell? A No, sir, my daughter's husband is named Merrell.

Wallace roll examined and the name of the applicant found as follows: Page 116, No. 2457, Sally Humphreys, Caddo Choctaw Nation; Page 116, No. 2459, Adda Humphreys, Caddo Choctaw Nation.

BY COM'R NEEDLES: Sallie Humphreys applies for hersle and one child, Ada Humphreys; she averw yhat she was the slave of Mary Chambers went to Texas during the war, returned in '65; avers she marriedher husband Humphreys in the Chickasaw Nation and that she remained in the Choctaw Nation until about six years ago when she returned to the Cherokee Nation. Her child Ada was born in the Choctaw Natipn; they are not identified on any of the rolls except the Wallace and Kern-Clifton roll, but they are identifiedon those rolls according to the page and number of the rolls as indicated in the testimony.

Now the said Sallie Humphreys and her child Ada will be listed for enrollment as Cherokee freedmen on a doubtful card and when the final decision of the Commission is arrived at she will be notified thereof.

------o-----

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Cigilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 13th of July, 1901.

(Signed) T. B. Needles,
Commissioner.

---oooOOOooo---

J. O. Rosson, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original.

J O Rosson

Subscribed and sworn to before me this 5th of September, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 16 1901

ACTING CHAIRMAN.

74 L 972

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
—
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 8th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of July 1st, 1901, in the matter of the application of Mattie Merrell et al for enrollment as Cherokee Freedmen.

Louis T. Brown
Agent for Applicants.

Cherokee Freedmen #D970.

COMMISSION
FILED
AUG 1 1962

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Mattie Harrell, D 970;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902. we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
66666

a.7.M.

In the matter of the application for the enrollment of Sallie Humphreys, et al., as Cherokee Freedmen, consolidating the applications of--

Sallie Humphreys, et al.,	Cherokee Freedmen D-958,
Mattie Merrell, et al.,	Cherokee Freedmen D-970.-

-:-

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Sallie Humphreys for herself and minor child, Ada Humphreys; and by Mattie Merrell for herself and minor children, Willie, Sadie, Ethel, Cora and Charles Merrell.

The evidence herein shows that the applicant, Sallie Humphreys, was the slave of a Cherokee citizen at the commencement of the Rebellion; that she was taken from the Cherokee Nation during said Rebellion, but returned thereto and established a residence therein within the time specified in the decree of the Court of Claims, rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation, and has since continuously resided within the domain of the Five Civilized Tribes.

The applicants, Ada Humphreys and Mattie Merrell, are children of the said Sallie Humphreys, were born since 1866, and have continuously resided within the domain of the Five Civilized Tribes all their lives.

The other applicants herein are children of the said Mattie Merrell, and have continuously lived with their mother since birth.

It is, therefore, the opinion of this Commission that Sallie and Ada Humphreys, Mattie, Willie, Sadie, Ethel, Cora, and Charles Merrell, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory,
this FEB 24 1905

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington, November 1, 1910

I C. F. Hauke, Acting Commissioner of Indian Affairs, do hereby certify that the paper hereto attached is a true copy of the original as the same appears on file in this Office.

In testimony whereof, I have hereunto subscribed my name, and caused the seal of this Office to be affixed, on the day and year first above written.

C F Hauke

Acting Commissioner.

Birth Affidavit.

Department of the Interior,

Commission to the Five Civilized Tribes.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation, of Sadie Merrell, born on the 22 day of April, 1892

Name of Father: Lewis Merrell, a citizen of the U S Nation.

Name of Mother: Mattie Merrell, a citizen of the Cherokee Nation.

Post-office, Lenapah I.T.

Affidavit of Mother

United States of America,)
Indian Territory)
_____District.)

I, Mattie Merrell, on oath state that I am 32 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Lewis Merrell, who is a citizen, by _____, of the U S Nation, that a Female child was born to me on the 22 day of April 1892, that said child has been named Sadie Merrell, and is now living.

Mattie Merrell

Witnesses to mark
(Must be Two Witnesses) (_____
(_____

(Seal)

Subscribed and sworn to before me this 1 day of July 1901.

Geo. F. Nave
Notary Public.

Affidavit of Attending Physician, or Midwife.

United States of America,)
Indian Territory.)
_____District.)

I, Sallie Humphries, a midwife, on oath state that I attended on Mrs. Mattie Merrell, wife of Lewis Merrell, on the 22 day of April, 1892; that there was born to her on said date a Female child; that said child is now living and is said to have been named Sadie Merrell.

Sallie Humphries

Witnesses to Mark:

(Must be Two (_____
Witnesses) (_____
(_____

Subscribed and sworn to before me this 1 day of July, 1901.

Geo. F. Nave

(Seal)

Notary Public

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

DEPARTMENT
RECEIVED
APR 15 1921
NO. 2495
Five Civilized Tribes

WASHINGTON, D.C. April 11, 1921

I, E.B.Meritt, - - Assistant Commissioner of Indian Affairs, do hereby certify that the papers hereto attached are true copies of the original s as the same appear on file - in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and caused the seal of this Office to be affixed on the day and year first above written.

E B Meritt

Assistant Commissioner.

FD770

MAR 21 1989

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. [illegible] Terrell,
[illegible]ersapah, I. T.
Cherokee F-D-970
Register.

(C O P Y)

Cherokee Freedman

D-958-970.

Muskogee, Indian Territory, February 24, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the applications for the enrollment of Sallie and Ada Humphreys; and Nannie, Willie, Sadie, Ethel, Cora, and Charles Merrell, as Cherokee freedmen.

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicants. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

(Signed) Tams Bixby

Chairman.

Encl. L-57.

(C O P Y)

Cherokee Freedman

D-970.

Muskogee, Indian Territory, March 16, 1905.

Mattie Merrell,

Lenapah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting, among others, the application for the enrollment of yourself and your minor children, Willie, Sadie, Ethel, Cora and Charles Merrell, as Cherokee freedmen.

You are advised that you will not be permitted to make allotment selections until your names have been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

(Signed) Tams Bixby

Chairman.

Incl. S-26.

COPY.

Cherokee Freedmen

D-958, D-970.

Muskogee, Indian Territory, March 16, 1905.

Edgar Smith,

Attorney for Sallie Humphreys, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the application for the enrollment of Sallie Humphreys, et al., as Cherokee freedmen.

Respectfully,

SIGNED). Tams Bixby.
Chairman.

Incl. S-27.

COPY.

Cherokee Freedmen
Nos. 1446-1445.

Muskogee, Indian Territory, March 31, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted, for consideration and appropriate action, protest filed with the Commission on March 28, 1905, on behalf of the Cherokee Nation in the matter of the application for the enrollment of Sallie Humphreys, et al. as Cherokee freedmen.

You are advised that on February 24, 1905, the Commission rendered its decision granting the application for the enrollment of the said Sallie Humphreys, et al. as Cherokee freedmen, and advised the attorneys for the Cherokee Nation that they would be given fifteen days from that date within which to file such protest as they might desire to make against the action of the Commission in enrolling said applicants. On March 16, 1905, no protest having been filed, these applicants were notified of the Commission's action, and on March 20, 1905, listed for enrollment upon straight cards.

Respectfully,

Incl. 8-2.

Through the

Commissioner of Indian Affairs.

Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

No. 1445.

Muskogee, Indian Territory, April 17, 1905.

Mattie Merrell,

Lenapah, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of April 11, 1905, asking to be advised as to the status of the application for your enrollment as a Cherokee freedman.

In reply you are advised that on February 24, 1905, the Commission rendered its decision granting, among others, the application for your enrollment as a Cherokee freedman.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which you will be duly notified.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

No. 1445.

Muskogee, Indian Territory, May 17, 1905.

Mattie Merrell,

Lenapah, Indian Territory.

Dear Madam:

In accordance with the instructions contained in departmental letter of May 10, 1905, the Commission's decision dated February 24, 1905, granting the application for the enrollment of yourself, et al., as Cherokee freedmen, together with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

Tams Bixby.

Chairman.

Incl. S-103.

COPY.

Cherokee Freedmen

No. 1446.

Muskogee, Indian Territory, May 17, 1905.

Edgar Smith,

Attorney for Sallie Humphreys, et al.,

Vinita, Indian Territory.

Dear Sir:

In accordance with the instructions contained in departmental letter of May 10, 1905, the Commission's decision dated February 24, 1905, granting the application for the enrollment of Sallie Humphreys, et al., as Cherokee freedmen, together with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

Incl. S-95

SIGNED Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
No. 1446.

Muskogee, Indian Territory, May 17, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Replying to departmental letter of May 10, 1905 (I.T. D. 4638-1905), there is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Sallie Humphreys, et al., as Cherokee freedmen, including the Commission's decision dated February 24, 1905, granting said application.

Respectfully,

Chairman.

Incl. C-96

Through the

Commissioner of Indian Affairs.

-Copy-

DEPARTMENT OF THE INTERIOR,

LAND:
38934-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. May 26, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 17, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Sallie Humphreys for herself and her minor child, Ada Humphreys; and by Mattie Merrell for herself and her minor children, Willie, Nadie, Ethel Cora and Charles Merrell.

February 24, 1905, the Commission decided favorably to the applicants.

The record shows that Sallie Humphreys was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war, returned thereto on or before February 11, 1867, and has since continuously resided in the Indian Territory. The applicants, Ada Humphreys and Mattie Merrell are children of Sallie Humphreys, born since 1866 and have continuously resided in the Indian Territory all their lives. The other applicants are children of Mattie Merrell and have continuously lived with their mother since birth.

In view of the record the approval of the Commission's decision favorable to all the applicants is recommended.

Very respectfully,

C. W. Larrabee,

Acting Commissioner.

W.L.W.
W.

Cherokee
F 1445.

Muskogee, Indian Territory, January 15, 1906.

Mattie Merrill,

Lenapah, Indian Territory.

Dear Madam:

In further reply to your letter of January 9, 1906, you are advised that the Cherokee Nation protested against the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting your application for the enrollment of yourself and children as Cherokee freedman, and the record of proceedings had in your case, together with the Commission's decision was forwarded to the Secretary of the Interior on May 17, 1905, for his review and decision.

You will be advised of the Department's action as soon as this office is informed of the same.

Respectfully,

GHL

Commissioner.

-Copy-

J.F.Jr.

DEPARTMENT OF THE INTERIOR,

LLB

WASHINGTON.

D.C.20725.
I.T.D.6350-1905.

May 22, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

May 17, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Sallie Humphreys and her minor child, Ada Humphreys, and of Mattie Merrell for the enrollment of herself and minor children, Willie, Sadie, Ethel, Cora, and Charles Merrell, as Cherokee freedmen.

Reporting May 26, 1905, the Indian Office recommended that the Commission's decision, favorable to the applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision of the Commission to the Five Civilized Tribes dated February 24, 1905, is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Cherokee Freedmen

1445.

Muskogee, Indian Territory, June 7, 1906.

Mattie Merrell,

Lenapah, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting, among others, your application for the enrollment of yourself and children, Willie, Sadie, Ethel, Cora and Charles Merrell, as Cherokee freedmen, was affirmed by the Secretary of the Interior May 22, 1906.

You are further advised that you will not be permitted to make allotment selections for yourself and children until your names have been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

LS

Commissioner.

Cherokee Freedmen

-1445, et al.

Muskogee, Indian Territory, June 7, 1906.

Edgar Smith,

Attorney for Mattie Merrell, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the applications of Mattie Merrell, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior May 22, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-51
LS

Commissioner.

Cherokee Freedmen

1445.

Muskogee, Indian Territory, June 7, 1906.

Louis T. Brown,

Attorney for Mattie Merrell, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting, among others, the application of Mattie Merrell for the enrollment of herself and children as Cherokee freedmen, was affirmed by the Secretary of the Interior May 22, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. S-53
LS

Cherokee Freedmen

1445, et al.

Muskogee, Indian Territory, June 7, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the applications of Mattie Merrell, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior May 22, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-52
LS

Commissioner.

Cher Fr 1446

Cher Fr 1446

'Joseph Jefferson'

THE LITTLE DETECTIVE

Mr. Joseph Jefferson's Mirthful Comedy of the Notorious Mr. Bellingham, with Mr. Charles Coghlan as the Chevalier Antoine Mathieu, and Miss Ada Rehan as the Duchess de Dantan, will be produced in the fashionable manner at Niblo's Garden on the 21st inst. Mr. Jefferson's acting of the Notorious Mr. Bellingham is the most perfect of his impersonations, and the Chevalier Antoine Mathieu is the most delicate and one of the most finished pieces of acting in the entire repertoire of the Chevalier Coghlan. Miss Rehan's Duchess de Dantan is a character of great power and pathos, and the entire cast is the best that can be secured for the production of the comedy

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. Jun 28th 1901.

In the matter of the application of Sallie Humphreys for the enrollment of herself and one child as Cherokee freedman- she being sworn by Commissioner T. B. Needles, testified as follows-

Mellette & Smith for applicants

W. W. Hastings for Cherokee Nation;

By Com'r Needles,-

Q What is your name? A. Sallie Humphreys.
Q How old are you? A. 60 so said.
Q What is your post office? A. Lenapah.
Q In what district do you live? A. Cooweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A. No sir.
Q Who do you want to have enrolled besides yourself? A. One daughter
Q What is her name? A. Ada.
Q How old is she? A. 19 years

By Smith-

Q What is your other daughters name? A. Mattie Merrell.
Q Is she married to Lewis Merrell? A. Yes sir.
Q Where does she live? A. In Cooweescoowee district.
Q Where does your other daughter live? A. With me.
Q How long have you lived where you do? A. I went there the fall before the payment.
Q Where were you before that? A, In a hotel at Caddo, Choctaw Nation, but my home was then at Fort Gibson.
Q Were you a slave before the war? A. Yes sir.
Q Who did you belong to? A. Mary Chambers.
Q Where did she live? A. In Sequoyah district.
Q Was she a citizen of the Cherokee Nation? A. Yes sir.
Q Where was she living when the war commenced? A. In Flint district.
Q Where were you living then? A. With her.
Q Were you taken out of the Cherokee Nation during the war? A. Yes sir went with her to Texas.
Q When did you come back to the Cherokee Nation? A. With her, in 65 so she said.
Q How old are you now? A. 60 years old so Mrs. Chambers says, I asked her three months ago.
Q Where did you come to on your return? A. Sequoyah.
Q What part of Sequoyah? A. The lower part of it between Fort Gibson and Fort Smith, there is a place called the Nine Mile House and I was ten miles from that on a place she bought.
Q Near Fort Smith? A. Yes sir.
Q And in Sequoyah district, Cheroke Nation? A. Yes sir.
Q How long did you stay there? A. Lived with her about a year and got a message from my mother that she was dying and I went to Fort Gibson and staid there with her until she got well and then went back.
Q Where have you lived since? A. I staid with her until her father died and then went to work for the United States officers at Fort Gibson and staid there two and a half years and then went to Fort Smith and worked four weeks and then went to Caddo.
Q Where did you start from when you returned to the Cherokee Nation
A I believe the county was Lamar County Texas, I was still with her.
Q How long after peace was declared was it that you returned? A. Seems to me it was the same year, in the fall, we stopped in the Choctaw Nation all winter and came here in the spring.

By Hastings

Q Did you come through Fort Smith when you returned? A Yes sir.
Q What is your Mistress' name? A. Mary Chambers, it was Nave.
Q Where does she live now? A Sequoyah, if you know where the mouth of Sallisaw river is, there is a town there, seems to me i t is called Sallisaw, well it is 10 miles south of there.
Q And you went there in the spring of 1866? A Yes sir, we started in the fall, stopped all winter in the Choctaw Nation and the next spring when it turned warm we come on.
Q Did you come to Webbers Falls? A Yes sir I have been there too.
Q Who kept a store there? A. Seems to me there was man named Perry or Breedlove had one there.
Q And you went by the Nine Mile house? A. Yes sir, we passed a place that used to be the old Childers Station, it has some other name now, Muldrow I think.
Q How long did you stay with your Mistress after you got back here? A A Year and six months, but I went to see my mother during that time and staid with her until she got well and then came back to my Mistress' place.
Q What was your mothers name Katy Nave.
Q How long did you stay at Fort Gibson? A. About three months before I went back.
Q Where do you live now? A. Two miles the other side of Lenapah.
Q How long have you been there? A. Since the winter of the Lighthning creek payment.
Q Where did you come from there? A. Caddo, worked in a hotel there.
Q Where were you married? A. Right there in the hotel at Caddo.
Q How long had you worked there in the hotel? A. One year at one time.
Q This last time? A. 6 months, 5 or 6 months.
Q You married Humphreys there? A. Yes sir.
Q Where did you go from to Caddo? A. Fort Gibson.
Q How long had you been in Fort Gibson when you left there? A. I had been working there two and a half years before I went to Caddo.
Q How long after the war before your mother died? A. 6 or 7 years.
Q Did you live there until your mother died? A. I was working in the hotel when my mother died.
Q Who did you work for in Fort Gibson? A. Used to work for Mr. Cunningham who married Frances Nave, he used to keep the post office there.
Q You cameback with your Mistress to Sequoyah in '66, and staid with her until you heard of your mother being sick and then went to see her? A Yes sir.
Q Then you went back to Sequoyah? A Yes sir.
Q And then back to see your mother? A. Yes sir.
Q And then to Caddo? A.Yes sir
Q And when your mother died you was there? A. I went there before she died.
Q And your mother died 6 or 7 years before the war? A. Yes sir.
Q And you had gone to Caddo before your mother's death? A. Yes sir.
Q And you never came back here to live until the time of the Lightning creek payment? A. Yes sir, I did.
Q Did you have a house in Fort Gibson? A My mother had a house.
Q Where was your you husband then? A. He is a citizen down there; he is a Chickasaw and I am a citizen up here.
Q Do you know Delly Humphreys? . She lives at Winniewood
Q You say your husband is down there? A. Yes sir he dont want to be caught up here and I dont want to be caught down there.

Q When did you first see L. D. Daniels after the war? A. When I went to see my mother.
Q Was he issuing rations then? A. I dont know.
Q Was that before or after Christmas? A. I dont know.
Q And you dont know what year it was? A. No sir.
Q Where did you first see Columbus Lasley? A. He was there too.

By the Commission-

Q How many children have you? A. Two.
Q Where were they born? A. One was born in the Choctaw Nation and one was born in Sequoyah.
Q What is the ones name for whom you apply? A. Ada.
Q Where was she born? A. In the Choctaw Nation.
Q Where was the next one born? . A In Sequoyah.
Q Where does she live? A. With me.
Q Your husband is a Chickasaw? A. Yes sir.
Q Did your husband ever try to have these children enrolled as Chickasaws? A If he did I dont know it.
Q Is your husband enrolled there? A. Yes sir.
Q Dont he live here at all? A. Yes sir he comes here some times.

By Hastings-

Q Where did Mattie marry? A. At Caddo.
Q Has she any children? A. She has five.
Q What is the oldest ones name? A. William.
Q How old is he? A. He is 10 or 11 years old.
Q He is dead, isn't he? A He is alive.
Q Where was he born? A. Born there on the railroad, her husband was a railroad man at a place called Caney in the Choctaw Nation.
Q Where was the next one born? A. There.
Q Where the next one? A. There.
Q Next one? A. There.
Q How old is the third one? A. I dont know exactly.
Q 5 or 6 years old? A Some where along there

L. D. Daniels called and sworn as a witness for the applicant-

Q What is your name? A. L. D. Daniels, age 56, post office Clarenmore
Q Do you know this applicant, Sallie Humphreys? A. Yes sir.
Q How long have you known her? A. Got acquainted with her in '85, summer or spring of '85.
Q Where? A. At Fort Gibson sir.
Q How long did you know her after you got acquainted with her? A. Until '72 or 3.
Q Where was she in '86? A. There in Fort Gibson
Q Where is she living now? A. On Hickory creek, a mile from my place
Q How long has she been living there? A. Only about six years since she came up there, maybe a little longer.
Q You didn't know her before the war? A. No sir.

Hastings-

Q What became of her when she left Fort Gibson? A. I believe she went to the Choctaw Nation.
Q Do you know where she came from when she came here five or six years ago? A. No sir.
Q You never saw her between the time you first saw her at Fort Gibson and five or six years ago? A. Twice, before the Wallace roll payment and then in Fort Gibson the time that husband was going to war.

Q Was it in the fall? A. In August, 1872, I was there at the convention
Q Who did she live with there in Fort Gibson? A. With her mother Nancy Nave and cooked for the officers.
Q Do you think that she was there in the spring of '85? A Yes sir the spring or summer.
Q And worked there? A. She was in town there then.

By Smith-

Q When did you leave Fort Gibson to come up here? A. 4th of December 1875
Q Have you been up here ever since? A. Yes sir.

By Hastings-

Q She left there before you had? A. If she did I dont know it.
Q You said she left there in '72 or 3? A I said I knowed her there till then.

Columbus Lasley, called and sworn as a witness for the applicant-

Q What is your name? A. Columbus Lasley.
Q What is your age? A. 55.
Q Where do you live? A. Tahlequah.
Q How long have you lived there? A. I came there in '74.
Q Where did you move from there? . A Fort Gibson.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Do you know this applicant? A. Yes sir.
Q Did you know her before the war? A. Yes sir.
Q Was she a slave? A. Yes sir.
Q Who did she belong to? A. Alex Nave in Flint district.
Q Was he a married man? A. Yes sir I suppose so.
Q Do you know the family he married into? A. I dont know exactly, it was the Timberlake or Chambers family.
Q When did you see this applicant first after the war? A In '65 or 66
Q Where? A. Fort Gibson.
Q How long was she there? A. I saw her again in '69 I guess, we went down to Greenleaf south of Fort Gibson, I and her and Jim Quirt, Lester Foreman, Roswell Mackey and some others.
Q Do you know in what time it was in '65 that she returned from there s he had been taken out during the war? A I cant say for certain, it was before I went to Four Mile Branch, we had the cholera in 67 and it was before that time.
Q How long before that time? A. I cant say for certain.
Q But you think it was in '65 or 66.? A Yes sir.
Q How long did she stay there or around there? A. I think until about 68 or 9

By Hastings-

Q How long did she live there after '69? A I dont know, I left that neighborhood in '74.
Q Had she gone away fromthere before you left? A Yes sir.
Q D ont you know where she went? A. I heard she went to the Choctaw Nation.
Q Did you ever see her around Fort Gibson after that? A. No sir.
Q Was she married then? A. I dont know.
Q Did she have a husband with her? A No sir, not that I saw.
Q What name did she go by at that time? A Nave is what I called her.

Q Never called her Humphreys then? A. No sir.
Q You dont know if she is married to Humphreys or not? A. No sir.
Q All you knew is that you think you saw her there in '65 or 66 and until '68 and that you heard she went from there to the Choctaw Nation? A, Yes sir, that is all

Kern Clifton roll examined and the name of the applicant found as follows-
Page 109 No. 2721, Sallie Humphries, Tahlequah district.
Page 109 No. 2723, Ada Merrell, "

Q Did your child ever go by the name of Merrell? A. No sir, my daughter's husband is named Merrell.

Wallace roll examined and the name of the applicant found as follows- Page 116 No. 2457 Sally Humphreys, Caddo Choctaw Nation
Page 116 No. 2458, Adda Humphreys, " " "

By Com'r Needles,-

Sallie Humphreys applies for herself and one child, Ada Humphreys; she avers that she was the slave of Mary Chambers went to Texas during the war, returned in '65; avers she married her husband Humphreys in the Chickasaw Nation and that she remained in the Choctaw Nation until about six years ago when she returned to the Cherokee Nation. Her child Ada was born in the Choctaw Nation; they are not identified on any of the rolls except the Wallace and Kern Clifton roll, but they are identified on those rolls according to the page and number of the rolls as indicated in the testimony. Now the said Sallie Humphreys and her child Ada will be listed for enrollment as Cherokee freedmen on a doubtful card and when the final decission of the Commission is arrived at she will be notified thereof.

= = = = = = = = = = = = =

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 13th of July, 1901.

Commissioner.

B

7 D958

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 29 1901
ACTING CHAIRMAN

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN.

Date [illegible]
Post Office Tenahah I.T.
District [illegible]

1. Name
Owner's name
Year Page No. District
Parents:
Father Citizenship
Mother Citizenship
2. Name of wife Effie Franklin Age [illegible]
Owner's name Mary Chambers Citizenship Cherokee
Year [illegible] Page [illegible] No. 2721 District Tah.
Parents:
Father Citizenship
Mother Pete Vann — dead Citizenship
Names of Children:
3. Ida Franklin Year [illegible] Page [illegible] No. 2723 Dist. Tah. 19
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12 Year Page No. Dist.

Application made by [illegible] Stenographer [illegible]

Outfit

1 Cert. to [illegible] Tenn. [illegible] Ado. Cherokee
1 " [illegible] 2457 - Effie Franklin
2 Cert. to [illegible] Ida Wilson
2 " [illegible] 2459 - Ida Franklin
Cards to [illegible]
Witness by [illegible]

DEPART[illegible]
COMMISSION TO [illegible] TRIBES
FILED
SEP 20 1901

ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, Aug 16, 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Sallie Hampton for enrollment as Cherokee Freedmen.

Sallie Hampton
witness for applicant

Cherokee Freedmen #1138

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 1 1902

ACTING CHAIRMAN

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 436, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Sallie Humphreys, D 958;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and swron to before me this July 29, 1902.

P G Reuter
Notary Public.

Cher.Fr.D-958.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 23, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of SALLIE HUMPHREYS, et al., as Cherokee Freedmen.

Appearances:
W. W. Hastings and L. B. Bell, Attorneys for the Cherokee Nation.

SALLIE HUMPHREYS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Sallie Humphreys.
Q How old are you? A The people that raised me said I was born in 1840, I can't tell my age. That is what my ~~master~~ mistress said, said I was born in 1840.
Q What is your post office? A Lenapah is my post office, but I have been in Tahlequah. That's where I got this notice.
Q Where are you living now? A My home in in Cooweescoowee, on Hickory Creek, but I have been in Tahlequah working.
Q Your home is in Cooweescoowee District, Cherokee Nation?
A Yes sir.
Q How long have you lived in Cooweescoowee District, Cherokee Nation? A About eight years.
Q Livedthere continuously for the last eight years?
A Yes sir, continuously for the last eight years until about two months ago.
Q Where did you live before that, before you moved to Cooweescoowee?
A I lived at Fort Gibson.
Q How longdid you live there? A About eight or nine years, I can't tell you just exactly how long.
Q Where did you live before you lived at Fort Gibson? A Lived in Sequoyah with the lady that raised me.
Q Is that in the Cherokee Nation? A Yes sir.
Q How long did you live in Sequoyah? A Livedthere a little over a year.
Q Where did you live before you livedin Sequoyah?
A Since the war, you mean?
Q Yes. A I lived in Sequoyah first, then I went to Fort Gibson, then I went down to the Choctaw Nation and worked in a hotel, and from there back up here. That's as far as I have been.
Q Have you ever lived outside of the Cherokee Nation since the close of the war? A No sir, just from one place to another in the Cherokee Nation.
Q Have you ever lived in Kansas? A No sir, never lived in Kansas but once.
Q You say you have lived continuously in the Indian Territory since the close of the war? A Yes sir, I was out south with the people the time of the war, but we all come back together. The lady that raised me brought me back, and I was with her in the war time. She is down in Sequoyah now.
Q How long have you lived, for how many years have you lived continuously in the Cherokee Nation? A I have lived in the Cherokee Nation,only when I was hired out. Sometimes in a railroad hotel for a year at a time.
Q Where was that? A Down in the Choctaw on this M. K. & T..
Q But you never lived outside the Indian Territory since the close of the war? A No sir, when I was outside of this Nation I was down in the Choctaw Nation, that's as far as I have been.

Q Where was your daughter Ada born? A In the Choctaw Nation where I was working.
Q Where has she lived? A Lived with me all the time. I left her in Tahlequah now. Lived with me all the time. She hasnever been married.
Q She is still living in your family? A Yes sir, I just left her back there home, left her in Tahlequah where I was working. The other one is married, I have got two daughters.
Q What is her name? A Mattie Merrill.
Q Whendid Mattie Merrill marry? A I don't know She hasbeen married seven or eight years, I don't know just how long. She has got six children.
Q She is your daughter, is she? A Yes sir.
Q Where has she been living since she was married? A Her husband was section boss. She lived on the M. K. & T. six or seven years
Q In what nation? A Lived in this nation a while and in the Choctaw Nation a while, just where he was boss on the railroad. She lived on a place called - it is right below Muskogee, one place, and henext place is in the Choctaw Nation, place called Caney.
Q Whereis she living now? A In Cooweescoowee, Hickory Creek.
Q Cherokee Nation? A Yes sir.
Q How long has she lived there? A About seven or eight years.
Q So she has been livingin the Cherokee Nation for the last seven or eight years, continuously? A She lived in the Cherokee Nation all her life. When I was down in the ChoctawNation she was here in the Cherokee Nation.
Q Didn't you say a while ago she was down in the ChoctawNation with her husband? A She went to school at Fort Gibson, and since she has been married she lived with her husband. She lived on the railroad just since she has been married.
Q Has her husband ever lived outside the Cherokee Nation since they were married? A I don't know where he has lived.
Q Since they were married? A He has lived in the Territory all the times he he married her.

MR. HASTINGS: What is your mother's name? A She was named Katie Nave.
Q Who are you working for in Tahlequah now? A Working for a colored man, to run a restaurant, by the name of Rose. I only come up here now, and I thought I would stay here and get a place to work here.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and completetranscript of his stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 19th day of October, 1903.

Charles H Sawyer
Notary Public.

50958

MAR 24 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Sallie Humphreys,
[illegible], I. T.
Chero[illegible]
Re[illegible]er.

Cherokee Freedmen
D-958.

Muskogee, Indian Territory, September 10, 1903.

Sallie Humphreys,

Lenapah, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and daughter, Ada Humphreys, as Cherokee Freedmen, you are hereby advised that further testimony is required as to your residence in the Cherokee Nation since 1866.

You are further advised that the Commission will be at Vinita, Indian Territory, on Wednesday, September 23, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-958.

Muskogee, Indian Territory, September 10, 1903.

Edgar Smith,

Attorney for Sallie Humphreys, et al.,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Sallie Humphreys, et al., as Cherokee Freedmen, you are hereby advised that further testimony is required as to the residence of said Sallie Humphreys in the Cherokee Nation since 1866.

You are further advised that the Commission will be at Vinita, Indian Territory, on Wednesday, September 23, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-970-D-258.

Muskogee, Indian Territory, October 9, 1903.

Sallie Humphreys,

Tahlequah, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of September 17, stating that you were unable to appear before the Commission at Vinita, Indian Territory, on September 23, to give additional testimony in the application of yourself and daughter, Mattie Merrill, as Cherokee freedmen. You ask if you may appear before the Commission at Muskogee and give the required information.

In reply you are advised that it is desired that you produce testimony as to your residence since 1866, and as to that of your daughter since her birth. This you may produce at the Commission's offices in Muskogee, on October 30, 1903.

Respectfully,

Chairman.

Cherokee Freedmen
D-970 D-958.

Muskogee, Indian Territory, October 9, 1903

Edgar Smith,

Attorney for Sallie Humphreys et al.,

Vinita, Indian Territory.

Dear Sir:

In Cherokee Freedmen D-970 and D-958, Sallie Humphreys et al., you are hereby advised that the principal applicant has this day been requested to appear before the Commission at its offices in Muskogee, on October 30, 1903, and introduce testimony as to her residence since 1866, and as to that of her daughter, Mattie Merrill, since birth.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen
D-970 D-958.

Muskogee, Indian Territory, October 9, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In Cherokee Freedmen D-970 and D-958, Sallie Humphreys et al., you are hereby advised that the principal applicant has this day been requested to appear before the Commission at its offices in Muskogee, on October 30, 1903, and introduce testimony as to her residence since 1866, and as to that of her daughter, Mattie Merrill, since birth.

Respectfully,

Chairman.

Copy

Cherokee Freedman
D-958--970.

Muskogee, Indian Territory, February 24, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the applications for the enrollment of Sallie and Ada Humphreys; and Nannie, Willie, Sadie, Ethel, Cora, and Charles Merrell, as Cherokee freedmen.

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicants. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tams Bixby.
Chairman.

Encl. L-57.

COPY.

Cherokee Freedmen

D-958, D-970.

Muskogee, Indian Territory, March 16, 1905.

Edgar Smith,

Attorney for Sallie Humphreys, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the application for the enrollment of Sallie Humphreys, et al. as Cherokee freedmen.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-27.

COPY.

Cherokee Freedmen

D-958.

Muskogee, Indian Territory, March 16, 1905.

Sallie Humphreys,

Lenapah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting, among others, the application for the enrollment of yourself and your minor child, Ada Humphreys, as Cherokee freedmen.

You are advised that you will not be permitted to make allotment selections until your names have been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-25.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 26, 1905.

Land

25419-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a communication from the Commission to the Five Civilized Tribes, dated March 31, 1905, transmitting the protest of the Cherokee Nation in the matter of the enrollment as Cherokee Freedmen of Sallie Humphrey et. al. The Cherokee Nation protests against the decision of the Commission on the ground that the record of the case shows that it is doubtful whether the principal applicant, through whom the applicants in the case claim, returned to the Nation within the time prescribed by the treaty of 1866, and was an applicant; also the use of the testimony of one L.D.Daniels. The Commission further report that on February 24, 1905, they decided favorably to the applicants. The records of the Office fail to show that this case has ever been forwarded by the Commission. I recommend that the Commission be instructed to transmit the record in this case.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

W.W.W.
W.

J.W.H.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D.C. 24556-1905.
I.T.D. 4638-1905.

FHE.

May 10, 1905.

LRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of your communication of March 31, 1905, transmitting the protest of the Cherokee Nation in the matter of the enrollment as Cherokee Freedmen of Sallie Humphrey, et al. Your report shows that on February 24, 1905, you rendered a decision favorable to the applicants.

On April 28, 1905, the Indian Office reported that its records fail to show that the case has ever been forwarded by you. A copy of its letter is inclosed.

You are requested to transmit the record to the Department, in the usual manner.

Respectfully,

(Signed) Thos Ryan,
Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

No. 1446.

Muskogee, Indian Territory, May 17, 1905.

Sallie Humphreys,

Lenapah, Indian Territory.

Dear Madam:

In accordance with the instructions contained in departmental letter of May 10, 1905, the Commission's decision dated February 24, 1905, granting the application for the enrollment of yourself, et al., as Cherokee freedmen, together with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-94

COPY.

Cherokee Freedmen

No. 1446.

Muskogee, Indian Territory, May 17, 1905.

Edgar Smith,

Attorney for Sallie Humphreys, et al.,

Vinita, Indian Territory.

Dear Sir:

In accordance with the instructions contained in departmental letter of May 10, 1905, the Commission's decision dated February 24, 1905, granting the application for the enrollment of Sallie Humphreys, et al., as Cherokee freedmen, together with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

Tams Bixby.

Chairman.

Incl. S-95

COPY.

Cherokee Freedmen
Nos. 1446-1445.

Muskogee, Indian Territory, May 17, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Replying to departmental letter of May 10, 1905 (I.T. D. 4638-1905), there is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Sallie Humphreys, et al., as Cherokee freedmen, including the Commission's decision dated February 24, 1905, granting said application.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-96

Through the

Commissioner of Indian Affairs.

-Copy-

J.F.Jr.

DEPARTMENT OF THE INTERIOR,

LLB

WASHINGTON.

D.C.20726.
I.T.D.6350-1905.

May 22, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

May 17, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Sallie Humphreys and her minor child, Ada Humphreys, and of Mattie Merrell for the enrollment of herself and minor children, Willie, Sadie, Ethel, Cora, and Charles Merrell, as Cherokee freedmen.

Reporting May 26, 1906, the Indian Office recommended that the Commission's decision, favorable to the applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision of the Commission to the Five Civilized Tribes dated February 24, 1905, is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

-Copy-

DEPARTMENT OF THE INTERIOR,

LAND: OFFICE OF INDIAN AFFAIRS,
38734-1905.

WASHINGTON. May 26, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 17, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Sallie Humphreys for herself and her minor child, Ada Humphreys; and by Mattie Merrell for herself and her minor children, Willie, Sadie, Ethel Cora and Charles Merrell.

February 24, 1905, the Commission decided favorably to the applicants.

The record shows that Sallie Humphreys was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war, returned thereto on or before February 11, 1867, and has since continuously resided in the Indian Territory. The applicants, Ada Humphreys and Mattie Merrell are children of Sallie Humphreys, born since 1866 and have continuously resided in the Indian Territory all their lives. The other applicants are children of Mattie Merrell and have continuously lived with their mother since birth.

In view of the record the approval of the Commission's decision favorable to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

Cherokee Freedmen

1446.

Muskogee, Indian Territory, June 7, 1906.

Sallie Humphreys,

Lenapah, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting, among others, your application for the enrollment of yourself and child, Ada Humphreys, as Cherokee freedmen, was affirmed by the Secretary of the Interior May 22, 1906.

You are further advised that you will not be permitted to make allotment selections for yourself and said child until your names have been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

LS

Commissioner.

Cherokee Freedmen

-1445, et al.

Muskogee, Indian Territory, June 7, 1906.

Edgar Smith,

Attorney for Mattie Merrell, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the applications of Mattie Merrell, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior May 22, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. S-51
LS

Cherokee Freedmen

1445, et al.

Muskogee, Indian Territory, June 7, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the applications of Mattie Merrell, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior May 22, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. S-5
LS

Cher Fr 1447

Cher Fr 1447

1

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--:--

In the matter of the application for enrollment as a Cherokee Freedman of:

--:--

JOHN McCOY D-34.

Count satisfied.

Count to and approved before me this 8th of April, 1901.

ACTING CHAIRMAN

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 9 1901

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 9 1901

ACTING CHAIRMAN

Bill e C. Jones, being duly sworn, says that he is a stenographer in the Commission to the Five Civilized Tribes and that the foregoing is a true and complete transcript of stenographic notes taken by the said witnesses and testimony in the proceedings and testimony in the matter of the application of Mary Bennett for a rehearing in the case of Mary Bennett vs. Mary Bennett, and the said witnesses, and the said witnesses, and the said witnesses, and the said witnesses, and the said witnesses, and the said witnesses, and the said witness, and the

Count satisfied.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 9, 1901.

In the matter of the application of Johnson McCoy for the enrollment of himself as a Cherokee Freedman.

Johnson McCoy, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A John McCoy.
Q How old are you? A I don't know, I can't tell you that, about 40 years old.
Q What is your post office? A Braggs station.
Q What district do you live i n? A Illinois.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled as a freedman of any other nation or tribe? A No, sir.
Q Is your name on the roll of 1880? A I don't know, sir.
Q Have you been recognized by the tribal authorities as a Cherokee Freedman? A Yes, sir, I have been enrolled.
Q Who do you want to enroll besides yourself? A Nobody but myself.
Q Were you a slave? A Yes, sir.
Q What is the name of your owner? A My owner was named Alberty.
Q Where were you at the close of the war between the United States and the Confederacy? A I can't tell you, I was too small.
Q Where do you first recollect of being? A I first recollect being up here somewhere on 14-mile Creek, this creek up here somewhere, and my uncle came there and taken me down to old Mackey salt lake.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1890 census roll of Cherokee Freedmen examined, and the applicant not identified thereon.

Q Your name is not on the roll of 1880, do you know the reason why?
A No, sir, I do not.
Q Where have you lived all your life? A I have lived most of the time right here in the Cherokee Nation.
Q How long have you lived in Arkansas? A I was never in Arkansas a day.
Q How long did you live in Kansas? A I never lived a day of my life in Kansas.
Q Never in Texas? A Yes, sir, I was in Texas.
Q How long did you live in Texas? A I don't know how long I stayed there.

Daniel Roach, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Daniel Roach.
Q What is your age? A About 70.
Q What is your post office address? A Braggs.
Q Do you know John McCoy? A Yes, sir.
Q How long have you known him? A Ever since he was a little kid.
Q Where was he at the close of the war between the United States and the Confederacy? A He was here in the country.
Q Has he been here ever since that? A No, sir, he hasn't; when he got up some size he left where I was and has been prowling somewhere ever since.
Q How old was he when he left? A Well, about 12 years old perhaps.
Q Do you know where he went to? A I do not, I don't know when he came back.
Q Have you know him since he came back? A Yes, sir, he is living now at Webbers, he is a neighbor of mine.

J.M.-2.

John McCoy, recalled, testified as follows:

W.W.Hastings, attorney for Cherokee Nation: You applied before the Commisionto be enrolled five years ago, the Kerns-Clifton Commission? A Yes, sir.

Q You made a statement there, didn't you? A Yes, sir.

Q Who, did you say your mother was? A Sylvia.

Q What was your father's name? A Frank.

Q Who did you say owned you? A The Albertys.

Q How did you come by the name of McCoy? A Well, I tell you how I come by the name of McCoy; my mother and father died when I was quite a little fellow, and my grandmother raised me, and her name was McCoy, and I just went by the name of McCoy from that.

Q How old were you when you left Daniel Roach's place down in Illinois district at the old salt works. My grandmother raised three of us, and we stayed down there with Uncle Daniel a while and then we moved close down to Uncle Leonard Thompson.

Q When did you first go to Texas? A I can't tell you when I first went to Texas.

Q About how old were you? A I guess I was 17 or 18 years old.

Q Where did you live in Texas? A I stayed in Denison a while.

Q Where did you go from there? A When I left Denison I came back to the Nation, came to Muskogee and stayed a while.

Q Where else? A Then from Muskogee I came on and went up to Wagoner, and stayed a while and then came on down into the Nation.

Q You lived in South McAlester a while? A McAlester; yes, sir, I believe I did stay there a while; I worked for old man Jim McAlester a while.

Q You stayed at Carbut station a while, in the Choctaw Nation?

A Yes, sir, I was there a while.

Q You stayed at Caddo a while? A Yes, sir, I worked at Caddo a while; my occupation was cooking.

Q How long have you been back in the Cherokee Nation since you went out when you were 17 years old? A I can't exactly tell you; when was it they paid off down here at Braggs, the Wallace?

Q In 1890, or 1891; A I was in the Nation here the year before that.

Q Have you been living in the Cherokee Nation ever since? A Yes, sir, been living here ever since.

Q In the Cherokee Nation? A Yes, sir.

Q Where? A Down here at my brothers and sisters.

Q You haven't been out since? A No, sir, only went to Muskogee.

Q What was yourfather's name? A Frank Alberty; they all belonged to the Alberties.

Q What was your mother's name? A Sylvia.

Q Is she living? A No, sir, both of them died when I was small, my grandmother raised me, Dolly McCoy.

Commissioner Needles: The name of John McCoy is not found upon the authenticated roll of 1880 or the census roll of 1896 or the Clifton-Kerns pay-roll. By reason of that fact and the unsatisfactory evidence as to his residence, final judgment as to his enrollment will be suspended, and his name will be placed upon a doubtful card.

****

2.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of April, 1901.

Commissioner.

F 1034

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 9 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 9 1901

Post Office Braggs Ala

District Ill.

1. Name Johnson McCoy — Age 40

Owner's name Alberty — Citizenship Cherokee

Year — Page — No. — District

Parents:

Father Frank Alberty — Citizenship Cherokee

Mother Sylva Alberty — Citizenship "

2. Name of wife — Age

Owners name — Citizenship

Year — Page — No. — District

Parents:

Father — Citizenship

Mother — Citizenship

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by Nolin — Stenographer Jno B E

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 4 1901

ACTING CHAIRMAN.

AFFIDAVIT.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT }

In the matter of the application of John

McCoy

for enrollment as a Cherokee Freedman.

No. F. D. 34

, of lawful age, being duly sworn on oath states that on the 25th day of August, A. D., 1901, he registered to John McCoy whose postoffice is Bigheart Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Vinita Indian Territory; and that on the 4th day of Sept, 1901, he received the return card which is hereto attached, signed by the said John McCoy showing that he had received said notice.

Subscribed and sworn to before me on this the 4 day of Sept A. D. 1901.

Notary Public.

No. 7234

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the
.....day of ..... A. D. 1901.

Given under my hand this
day ..... A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the
day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A.D.1901

Subscribed and sworn to before me this day of A.D.1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 4 1901
ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF The application of John McCoy, for enrollment as a Cherokee Freedman:

Case No. F. D. 34

To John McCoy, Braggs, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson Indian Territory, on the following dates, to-wit: September 4th 1901. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 27th day of August AUG 30 1901

R. L. Boyd

W. W. Hastings

J. R. Mason

Attorneys for the Cherokee Nation.

was all state; I brought her out of the state of Arkansas.

Q What year? A Well, sir, it was about 3, maybe 5 years before the war; I knew her a good while before the war.

Q You were in Texas during the war? A No; well, we were in Texas part of the time, but not very far in Texas, we were just on Red River, but not across.

Q You had slaves with you? A Yes, sir.

Q You were a Confederate citizen then? A Yes, sir.

Q You returned to the Confederate nation after the war? A Yes, sir, and brought her back with me.

Q Were you readmitted as a Confederate citizen? A Yes, sir.

Q You don't know a child of hers then named John? A No, sir, I don't; she had no people in the Confederate nation.

Q She says that her grandmother's name was Dollie Moody; this John Moody says he was raised by Dollie Moody, who was the mother of Sylvia? A Well, it wasn't here; I don't know, now her mother, she belonged to a man named Pallard I think, her father first came across the line, and they called him Stump, old Stump, and her father was an old darkey they called Simon, a Baptist preacher, and lived there for a good long time after the war. May be some other Sylvia, but that one had no children up to '72 because she came there and stayed to see us in '72; what makes me recall it, it was just the year after the occurrence that occurred at the Court House down there, a few days after that.

Q You don't know where she is now? A Where Sylvia is, now sir, I don't, I never have seen her since.

****

Bruce C. Jones, being duly sworn, says that he is the writer to the transcription to the wire dictated from his stenographic recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript from his stenographic notes thereon.

_____

Sworn to and subscribed before me this 5th of September, 1901.

FILED
SEP 7 1901
COMMISSIONER OF INDIAN AFFAIRS
TRANSCRIPTS

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of John McCoy for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:
Applicant not present;
W. W. Hastings, of counsel for Cherokee Nation.

Commissioner: Proof of service of notice on him, the applicant, made; applicant called and does not answer by himself or attorney.

J. W. ALBERTY, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A J. W. Alberty.
Q What does the "J" stand for? A John.
Q Mr. Alberty, what is your age? A I am 67 years old.
Q Your postoffice is Westville I believe? A Westville, Indian Territory.
Q You live in Going Snake district?, A Yes, sir.
Q I believe you stated you lived there before the war? A Yes, sir.
Q Mr. Alberty, did you know a colored woman by the name of Sylvia?
A Yes, sir.
Q She ever known by the name of Sylvia McCoy? A No, sir.
Q You didn't call her that? A No.
Q But you had one named Sylvia? A Yes, sir.
Q Well, did she have any children before the war? A She had one.
Q Was it a girl or a boy? A A boy.
Q What became of that boy? A It died.
Q How do you know it died? A Because I buried it.
Q Is that the only child she had? A That is the only child she had.
Q Now how long did you know her before the war? A Well, sir, I bought her I reckon 4 years or 5 years before the war.
Q And she was known as your property? A Yes, sir.
Q Where did she go during the war? A Well, I taken her with us south and kept her there during the war on Red River in the Choctaw Nation.
Q Did you bring her back with you? A Yes, sir.
Q What became of her after you brought her back? A Well, her people were living just across the line and she went across.
Q In Arkansas? A Yes, in the State of Arkansas, with herpeople.
Q At that time did she have any children? A No, sir.
Q Only the one that as you state died before the war? A Before the war, no, sir, had no children.
Q Well, after she came back, she immediately went over in Arkansas and then what became of her? A She married a man there and went from there to Kansas.
Q When did you nextsee her? A I saw her in '72.
Q Did she have any children then? A No, she came back from Kansas and came over and visited us in '72 and she had no children then.
Q Did you ever know a John McCoy? A No, sir.
Q Who was her son? A No, sir, no I never did.
Q Could she have had one and you not known it up till '72? A No.
Q Did you ever know one by the name of John McCoy? A No, sir.
Commissioner? Is Sylvia McCoy living? A I don't know, she went back to Texas and I never knew her afterwards; '72 was the last time
Q What was Sylvia's mother's name? A Her name they generally called her, she had no relations in the Cherokee Nation, her people

was all state: I bought her out of the State of Arkansas.

Q What year? A Well sir, it was about 3, maybe 5 years before the war: I knew her a good while before the war.

Q You were in Texas during the war? A No; well, we were in Texas part of the time but not very far in Texas, we were just on Red River, but not across.

Q You had slaves with you? A Yes, sir.

Q You were a Cherokee citizen then? A Yes, sir.

Q You returned to the Cherokee Nation after the war? A Yes, sir, and brought her back with me.

Q Were you readmitted as a Cherokee citizen? A Yes, sir.

Q You don't know a child of hers then named John? A No, sir, I don't; she had no people in the Cherokee Nation.

Q She says that her grandmother's name was Dollie McCoy; this John McCoy says he was raised by Dollie McCoy, who was the mother of Sylvia? A Well, it wasn't hers; I don't know, now her mother, she belonged to a man named Ballard I think, her father first came across the line, and they called him Stump, old Stump, and her father was an old darkey they called Simon, a Baptist preached, and lived there for a good long time after the war. May be some other Sylvia, but that one had no children up to '72 because she came there and stayed to see us in '72; what makes me recollect it, it was just the year after the occurrence that occurred at the Court House down there, a few days after that.

Q You don't know where she is now? A Where Sylvia is, now sir, I don't, I never have seed her since.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript from his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 6th of September, 1901.

C. R. Breckinridge

Commissioner.

E 1034

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 23 1901
ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

M Gibson C.P. Sept 23/01

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of John McCoy for enrollment as Freedmen of the Cherokee Nation.

Louis T. Brown
Depute for Old Nicoi

No. F.D. 34

34

DEPARTMENT
COMMISSION TO
FILED
CLERK

C.R. D-61.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 23, 1901.

In the matter of the application of John McCoy for enrollment as a Cherokee Freedman.

Supplemental testimony introduced by the applicant.

Appearances:
L. T. Brown, agent for the applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Commissioner: You desire to present additional testimony, Mr. Brown?

L. T. Brown: Yes, sir.

Commissioner: What do you desire to prove by these witnesses?

L. T. Brown: One thing is ownership. There is no testimony except the testimony of the applicant, and the proof shows he was born in '61, and on the 4th, I think, of this month the representatives of the Cherokee Nation introduced a witness by the name of John W. Alberty, and we went to establish the fact that that John W. Alberty isn't the Alberty that he belonged to, but he is another man; that the John W. Alberty to whom the applicant belonged has been dead 35 years.

Commissioner: Then you desire to rebut the testimony of John W. Alberty?

L. T. Brown: Yes, sir, and also to establish ownership.

Mr. W. W. Hastings: Comes now the representatives of the Cherokee Nation and object to the taking of any testimony upon the question of ownership, the question of return, or the question of continuous residence, for the reason that these three points were directly in issue when the applicant appeared before the Commission in April and put in testimony upon these points, which the Cherokee Nation brought in testimony to offset, and that the only thing permissible of the applicant now is to bring in testimony in rebuttal of any new point brought out by the Cherokee Nation, and not to sustain any one of the three points originally made.

Agent L. T. Brown: Before I go into the facts, I want to say that the testimony shows that no one has been introduced to prove the ownership of this applicant; of course he testified about it himself, but the evidence shows that he was born in '61 and at the outbreak of the war couldn't have been over a year old, and therefore all the testimony he has given was purely hearsay, and I think we ought to be allowed to prove by this witness who did own him.

Commissioner: Well, you will be allowed to do that.

JUDY WEBBER, being duly sworn by Commissioner Needles, testified as follows:

L. T. Brown: What is your name? A Judy Webber.

Q About how old are you? A I can't tell but they say I am about 50 years old.

Q What is your residence? A Braggs.

Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.

Q Does your name appear upon the authenticated roll of 1880?

A Yes, sir, I guess my name is on every roll that has been made here

Q Do you know the applicant, John McCoy? A Yes, sir, I guess I do, I nursed him when he was a baby.

Q What relation is he to you? A He is my brother.

Q Was John McCoy a slave in the Cherokee Nation at the beginning of the war? A Yes, sir, He was right up here on Pryor Creek.

Q To whom did he belong? A John Alberty.
Q Was John Alberty a recognized citizen of the Cherokee Nation?
A Yes, sir, he was a Cherokee.
Q Was the applicant, John McCoy, taken out of the country during the war? A Yes, sir, he went south time of the war..
Q When did he return? A He came back after peace was made, next year after peace was made.
Q With whom did he return? A Jane Alberty, his mistress.
Q Were you along? A Yes, sir, I was along.
Q Then he returned the same year you did? A Yes, sir, with me.
Q Where did you say that John W. Alberty, to whom he belonged, lived at the beginning of the war? A Up here on Pryor Creek.
Q Is he living or dead? A He is dead, he died south.
Q Do you know the John W. Alberty whose postoffice is Westville, Indian Territory, who lives in Going Snake district? A No, sir, I don't know him; John Alberty had a son by the name of John, and there was Will and Jake and Blue.
Q What was John McCoy's mother's name? A Sylvy Alberty.
Q How many children did she have? A She was the mother of six children, to my knowing.
Q You stated, I believe, that the John W. Alberty who owned the applicant, John McCoy, is dead? A Yes, sir.
Q Do you know when and where he died? A He died in the Choctaw Nation on Red River, we lived close to Red River.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and renew their protest to the above testimony, and moves that the Commission, for the reasons hereinbefore recited, that the same be stricken from the record.

Commissioner: The motion will be noted, and the witness will be allowed to answer.

Mr. Hastings: The above motion not being granted, the representatives of the Cherokee Nation proceed with the following interrogations:

Mr. Hastings: How old are you? A I guess I am something over 50 years old according to what the old folks says.
Q You don't know what year you were born? A No, sir, can't tell nothing about it.
Q What was your mother's name? A Sylvy Alberty.
Q How old were you when the war came up? A I don't know, I can't tell you, I was a good big girl.
Q Well, about how old? A I can't tell you nothing about my age.
Q Five years old? A I was older than that I think.
Q Well about how much older? A I don't know.
Q As much as ten? A I guess so, I don't know my age, I can't tell nothing about it.
Q You went south during the war? A Yes, sir.
Q John Alberty have any children? A Yes, sir.
Q What was their names? A One was named John and one was named Jake.
Jake living now? A I guess he is, I don't know, I haven't seed them since I came back with them, I haven't heard nothing about them, and he had a daughter named Lydie, she died down south.
Q Did you ever see this John Alberty at Westville? A At Westville?
Q Yes, that Mr. Brown was asking you about? A At Westville?
Q Yes, his postoffice is Westville? A I don't know the place.
Q You don't know whether you know him or not? A Of course I know him, I ought to know him.
Q I say do you know this John Alberty that Mr. Brown asked you about, whose postoffice is Westville? A That there white John Alberty?
Q Well he isn't a colored man, he is a Cherokee? A No, I don't know him I don't reckon, I might know John Alberty is he is my mas-

ter's son I knowed him when he was a baby, I nursed him.

Q What time of the year did this man, John McCoy, came back? A I can't tell you that neither; came back from the south?

Q Yes? A Came back the same time I did.

Q What time of the year? A It was in the fall when we left the Choctaw Nation.

Q What time did he reach here? A We reached here I guess in a week; I think we stayed down here at Webbers Falls and made a crop and then went up here on Grand River to about here.

Q Do you know what year that was? A No, sir, don't know anything about the year.

Q Know what year this is? A No, sir, I can't say.

Q Do you know what year that strip payment was made? A No, sir.

Q Don't know anything about dates? A No, sir, only when I hear other folks speak about them.

Q Well you made one crop down to Webbers Falls, did you? A Yes, sir.

Q How far from Webbers Falls? A I don't know how far it was.

Q About how far? A Well it wasn't a days travel from the place to the Falls, where the store was.

Q Who kept the store? A I don't know who had the store down there, I know there was one store standing on the bank of the river.

Q Do you know whether any folks lived around there? A Yes, sir, lots of folks.

Q Give us the names of some of them? A I can't give you the names.

Q Anybody? A Not right around there, I know who lived down below there, I know there was a man lived down in there by the name of Walker Carey.

Q Did Jake Alberty come back with you? A I don't know whether Jake Alberty came back in our crowd or not.

Q That was John Alberty's son, wasn't he? A Yes, sir, that little Jake was.

Q He came back with you? A Yes, sir; I am talking about old Jake.

L. T. Brown: The applicant, John McCoy, your full brother? A That is all I know, that is what the old folks always said.

Q Same mother? A Yes, sir, and same father.

Q Did he belong to the same person you did? A Yes, sir.

Q Did he return to the Cherokee Nation at the same time you did?

A Yes, sir.

L. T. Brown: I would like to have the 1880 roll examined.

Commission: What for?

L. T. Brown: For the purpose of showing that she returned in time and if her brother returned with her he also returned in time.

Mr. Hastings: That don't show it; I contend right now there are hundreds of people on that 1880 roll that ought not to be on there, but our mouths are sealed.

Commission: It is a circumstance that don't amount to anything one way or the other. The roll of 1880, examined and the name of the witness found thereon, page 822, No. 2577, Julia Webber, Tahlequah district; enrolled on Freedman card 869.

L. T. Brown: We desire to call the applicant to the stand.

Commissioner: What do you want the applicant to testify to that he didn't testify to before.

L. T. Brown: I want him to testify that the John W. Alberty who testified the other day isn't the John W. Alberty referred to in his testimony as the John W. Alberty who owned him, and that the John W. Alberty who owned him is dead.

Mr. Hastings: The Cherokee Nation desires to offer a pro-

test against the taking of the testimony of the applicant, for the reason that the applicant was himself called and sworn and testified in his case upon all of the material points which go to make up his case: that he was duly notified that testimony would be introduced against him on September 4, 1900, and that the witnesses were brought again here upon that date and that this applicant didn't come and signify at that time that he desired to introduce further testimony, and testimony was introduced by the Cherokee Nation on that date, and that now he seeks to reiterate the testimony given by him originally in his first statement.

JOHNSON McCOY, being duly sworn by Commissioner Needles, testified as follows:

L. T. Brown: State your name? A Johnson McCoy.

Q Are you the applicant in this case? A Yes, sir.

Q Mr. McCoy, do you know the John W. Alberty whose postoffice address if Westville, Indian Territory, and lives in Going Snake district? A No, sir.

Q Is he the John W. Alberty that you testified about in your former testimony as having owned you at the beginning of the war?

A Well I guess not from what I can hear, I don't know anything about it myself, I don't recollect myself, only what my sister and old folks told us the John W. Alberty that owned us is dead, died down south.

Mr. Hastings: You only know what they told you about it? A Yes, sir, of course I was too young, to tell the truth about it.

Mr. Hastings: Notice is given to the applicant that testimony will be introduced in his case on the 15th day of October at Vinita.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 4th of October, 1901.

Commissioner.

Cherokee Freedmen 1-34.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

R.T.B.

In the matter of the application for the enrollment of John McCoy as a Cherokee Freedman.

DECISION.

The record herein shows that on April 9, 1901, John McCoy appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of himself as a Cherokee freedman. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, September 4, and 23, 1901.

The evidence herein shows that the applicant was the slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of the Cherokee Nation during said rebellion, but returned thereto, and established a residence therein, within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Vokes Whitsitt, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation, and since that time, as hereinafter stated, has since continuously resided therein. It appears that since his return as above indicated, the applicant has resided during a part of the time in Texas, but it does not appear that his rights to citizenship in the Cherokee Nation have been forfeited thereby.

It is, therefore, the opinion of this Commission that John McCoy should be enrolled as a Cherokee freedman, in accordance with the provisions of Section two hundred and twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

[illegible]

Commissioner.

Commissioner.

Commissioner.

Washington, D. C., [illegible]

FEB 24 1905

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

John McCoy,
Bragg Station, I.T.
Cherokee F-D-34
Register.
Copy to Louis T. Brown, agent,
Vinita, I.T.

COPY.

Cherokee Freedmen.
D-34

Muskogee, Indian Territory, September 27, 1904

Johnson McCoy,

Braggs, Indian Territory.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of September 13, asking to be advised as to the status of your application for the enrollment of yourself as a Cherokee freedman.

In reply you are advised that the Commission has not yet rendered a decision in your case. When a decision has been prepared you will be furnished with a copy.

Respectfully,

SIGNED: Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D 34

Muskogee, Indian Territory, September 28, 1904.

Johnson McCoy,

Braggs, Indian Territory.

Dear Sir:

The commission is in receipt, by reference from the Secretary of the Interior, of your letter of September 13, asking to be advised as to the status of your application for enrollment as a Cherokee freedman.

In reply you are advised that the Commission has not yet rendered a decision in your case. When a decision has been prepared you will be furnished with a copy.

Respectfully,

Tams Bixby.
Chairman.

COPY.

Cherokee Freedman
D-34.

Muskogee, Indian Territory, January 26, 1905.

John McCoy,

Braggs, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of January 14, 1905, asking to be advised as to the status of your application for enrollment as a Cherokee freedman.

In reply you are advised that the Commission has not yet rendered a decision in this case. You are further advised that this matter will be taken up in the near future, and when a decision has been prepared you will be furnished with a copy.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedman
-D-34.

Muskogee, Indian Territory, February 21, 1905.

John McCoy,

Braggs, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 15, 1905, relative to your enrollment as a Cherokee Freedman.

In reply, you are advised that the Commission has not yet rendered a decision in this case. As soon as a decision is rendered, you will be furnished with a copy.

Respectfully,

Tams Bixby.

(SIGN'D) Chairman.

COPY.

Cherokee Freedman
D-34.

Muskogee, Indian Territory, February 24, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the application for the enrollment of John McCoy as a Cherokee freedman.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.
Chairman.

Encl. L-40.

COPY.

Cherokee Freedmen

D-34.

Muskogee, Indian Territory, March 16, 1905.

John McCoy,

Braggs, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the application for your enrollment as a Cherokee freedman.

You are advised that you will not be permitted to make an allotment selection until your name has been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Tams Bixby,
Chairman.

Incl. S-18.

COPY.

Cherokee Freedmen

D-34.

Muskogee, Indian Territory, March 16, 1905.

Louis T. Brown,

Attorney for John McCoy,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the application for the enrollment of John McCoy as a Cherokee freedman.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-19.

COPY.

Cherokee Freedmen

No. 1447.

Muskogee, Indian Territory, May 20, 1905.

John McCoy,

Braggs, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 10, 1905, asking to be advised as to the status of the application for your enrollment as a Cherokee freedman.

In reply you are advised that your name will, in the near future, be placed upon a final schedule of Cherokee freedmen to be approved by the Secretary of the Interior.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which you will be duly notified.

Respectfully,

Tams Bixby

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED
190
SE
ACTING CHAIRMA

REGISTRY RECEIPT

Post Office at Lawrence Ont.

Registered Letter / Parcel No. 63 Mail 29 1901

C. L. Starr
Geo. Gibson Jr.
John McCoy
Braggs Ont.
W. H. Butler
R. H.

Cher Fr 1448

Cher Fr 1448

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:-

In the matter of the application for the enrollment of Jonas Brown as a Cherokee Freedman.

-:O:-

Cherokee Freedman D-156.

FILED
APR 25 1904
CLERK OF THE SUPREME COURT

But at present he resides in the Creek Nation, having resided there about ten years, having married a Creek citizen. Proof as to the citizenship of the applicant is satisfactory, but the reason of the fact that he resides in the Creek Nation fixes judgment as to his enrollment as a Cherokee freedman. He is wrongfully and his name will be placed on the list.

---o0o---

C. C. Johnson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Subscribed and sworn to before me this [illegible] day of April, 1904.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 24th, 1901.

In the matter of the application of Jonas Brown for enrollment as a Cherokee Freedman; said Brown being sworn and examined by Commissioner T. B. Needles; testified as follows:

Q What is your name? A Jonas Brown.
Q What is your age, Mr. Brown? A I am somewheres in 60.
Q What is your post office address? A Clarksville.
Q Indian Territory? A Yes, sir.
Q What district do you live in? A I live in Illinois District; I am living in the Creek Nation now.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Have you ever applied to be enrolled as a Freedman of any other Nation? A No, sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.
Q Is your name on the rolls of the Cherokee Nation? A It is on the; it is not on the 1880 roll.
Q Just on the 1896 roll? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q Why is not your name on the roll of 1880? A I went down and they had moved the station down to Redland and I took sick and didn't come down there.
Q Where were you born? A In Illinois District, Braggs, Station.
Q Were you a slave? A Yes, sir.
Q What was your owner's name? A Squoy Brown.
Q Is he living? A No, sir.
Q Where were you during the war between the United States and the Confederacy? A I went with the Indians.
Q Here in the Cherokee Nation? A Yes, sir.
Q Were you taken out during the war? A I went out myself, went with the indians.
Q Where did the indians go? A North.
Q You were a soldier? A Yes, sir.
Q And you went north? A Yes, sir.
Q And when did you come back to the Cherokee Nation? A I remained with them all the time until I get a discharge.
Q When did you get back to the Cherokee Nation? A I don't know, after peace was declared, we remained in the Cherokee Nation.
Q You never went out of the Cherokee Nation? A We went out when we enlisted.
Q Well, what state? A Arkansas I reckon, I don't know nothing about the States.

COM'R NEEDLES:--Applicant presents his discharge as a United States soldier and said Discharge certifies that he was discharged from the service of the United States on the 31st day of May, 1865, at Fort Gibson, Cherokee Nation, Indian Territory.

Q Were you in the Cherokee Nation on the 31st day of May, 1865? A Yes, sir.
Q Have you been in the Cherokee Nation ever since that? A I have been in the Creek Nation.
Q How long have you been in the Creek Nation? A I have been there several years.
Q What do you call several years? A Five or six, seven, ten, I have been in there, I married a Creek citizen.
Q And have been in the Creek Nation about ten years? A Yes, sir.
Q What is your wife's name? A Julia Brown.
Q She was a Creek citizen? A Yes, sir.
Q When did you marry her? A During the war.
Q Was she a Creek citizen at the time you married her? A Yes, sir.
Q And then you lived in the Cherokee Nation until about ten years ago? A Somwheres along there.

Q And then moved to the Creek country? A Yes, sir.
Q And Julia Brown was a Creek citizen at the time you married her?
A She was a Freedman.
Q Now, do you say that you have never been out of the Indian Terrutory or out of the Cherokee Nation from the day you were discharged at Fort Gibson until you went to the Creek Nation about ten years ago? A No, sir.
Q Did you draw what is known as Cherokee strip money? A No, I don't reckon.
Q Have you ever drawn any money from the Cherokee Nation?
A Yes, sir.
Q When was it? A I drawed money from Dixon.
Q Have you any children? A Yes, sir.
Q Did you draw money for the children? A No, sir; they are Creeks.
Q Did you ever live in Cooweescoowee district? A No, sir.

The 1880 Authenticated roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.
The 1896 Census roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.

Q How much money was it you drew? A I drawed about one hundred eighty something the first time and as near as I can rember fifty the next time.
Q You don't know when that was. A When Lipe put it at Fort Gibson.
Q How many years ago is that? A Three or four years.

BY J. S. DAVENPORT, Cherokee Representative:

Q Who did you say was your owner before the war? A He went by the name of Squoy, hsi name was John Brown.

BY COMMISSIONER NEEDLES:

Q Have you got any witnesses that known you were here in 1865 and been here ever since? A Here is Daniel Roach and Perry Mackey.

DANIEL ROACH, being sworn and examined by Commissioner Needles, testified as follows:

Q How old are you, Daniel? A 74 or 75 years old.
Q What is your post office? A Braggs.
Q You are a Cherokee Freedman are you? A Yes, sir.
Q Do you know Jonas Brown, the applicant here? A Yes, sir.
Q Where was Jonas Brown at the close of the war between the United States and the confederacy? A Here.
Q In the Cherokee Nation? A Yes, sir.
Q How long did he remain here, do you know? A I don't know; I recollect the man building a place down here just below Gibson, below Braggs Station and he stayed there two or thee years and he got over there to the Creek Nation and I lost him then.
Q You are satisfied that he was here at the close of the war in 1865? A Yes, sir.
Q Did he work for you? A Yes, sir, just after peace was made, I had him making salt for me.

COM'R NEEDLES:--The name of Jonas Brown is not found upon the authenticated roll of 1880, or census roll of 1896, or the Clifton-Kerson pay roll, althoug he avers that he drew money authorized by the Clifton-Kerns roll. He avers that he was a soldier in the United States Army and presents a certificate of his discharge, certifying that he was discharged on the 31st day of May, 1865, said discharge is filed herewith. He also makes satisfactory proof as to the fact that he was in the Cherokee Nation in the year 1865,

Jenus Brown--A.

But at present he resides in the Creek Nation, having resided there about ten years, having married a Creek citizen. Proof as to the citizenship of the applicant is satisfactory, but by reason of the fact that he resides in the Creek Nation final judgment as to his enrollment as a Cherokee Freedman will be suspended and his name will be placed upon a doubtful card.

---ooo-OOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and swern to before me this 25th day of April, 1901.

D B Needles

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 2 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 24 1901

Post Office Clarksville I.T.

District Illinois

1. Name Jonas Brown Age 61

Owner's name ~~Sophia~~ Brown Citizenship

Year — Page — No. — District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Doubtful Age

Owners name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Doubtful

Application made by No. 1 Stenographer J. A. Kossow

AFFIDAVIT.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss
NORTHERN DISTRICT. }

In the matter of the application of Jonas Brown for enrollment as a Cherokee Freedman.

No. F. D. 126

Henry Pack, of lawful age, being duly sworn on oath states that on the 7th day of September, A. D., 1901, he registered to Jonas Brown whose postoffice is Clarksville Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 20 day of September, 1901, he received the return card which is hereto attached, signed by the said Jonas Brown, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 20 day of Sept A. D. 1901.

Notary Public.

FD 156

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF The application of Jonas Brown for enrollment as a Cherokee Freedman:

Case No. F. D. ~~xxx~~ 156

To Jonas Brown, Clarksville, I. T.
~~Mary Martin, xxxx~~

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Ft Gibson Indian Territory, on the following dates, to-wit: Sept 18, September 18, 1901 A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this day of , 1901.

R. V. Dell

Attorneys for the Cherokee Nation.

Report to the 3rd of July 1801.

[illegible] in the district of [illegible] and [illegible] to the [illegible] and [illegible] and [illegible] and

C.F. D-154.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 21, 1901.

In the matter of the application of Jonas Brown for enrollment as a Cherokee Freedman.

Appearances:
Applicant present in person;
W. W. Hastings, of counsel for Cherokee Nation.

Applicant, JONAS BROWN, recalled for additional cross examination:

Mr. Hastings: What is your name? A Jonas Brown.
Q Where do you live? A I live in the Creek Nation.
Q What is your postoffice? A Clarksville.
Q About how long ~~xxxxxxxxxxxxxxxx~~ did you live in the Cherokee Nation after the war before you went to the Creek Nation? A I lived in the Cherokee Nation about seven or eight years.
Q And then you went to the Creek Nation? A Yes, sir.
Q And you have lived there ever since? A Yes, sir.
Q And you are living there now? A Yes, sir.
Q Are you married? A Yes, sir, got a family there.
Commission: Your wife a Creek? A A Creek Freedman.
Q Have you ever applied for enrollment as a Creek citizen?
A No, sir.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 23rd of September, 1901.

Commissioner.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of James Brown for enrollment as a Cherokee Freedman.

No. F. D. 156

Henry Pack, of lawful age, being duly sworn on oath states that on the 18th day of Sept., A. D., 1901, he registered to James Brown whose postoffice is Clarksville Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Ft. Gibson Indian Territory; and that on the 24th day of September 1901, he received the return card which is hereto attached, signed by the said James Brown showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 27 day of Sept., A. D. 1901.

J. O. Starr
Notary Public.

No. D..... F.D. 156

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 1901

Given under my hand this .....

day of ..... A. D. 1901.

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

..... day of ....., 1901.

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the day of A.D.1901

.....

Subscribed and sworn to before me this day of ..... A.D.1901.

.....

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Jonas Brown for enrollment as a Cherokee citizen:

Case No. D 1576

To Jonas Brown Tahlequah I T

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on 24th Sept. at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 9-18-01.

[illegible]

[illegible]

Attorneys for the Cherokee Nation.

TO ALL WHOM IT MAY CONCERN.

---oOo---

Bounty $100. paid July 3/66 by C.Holmes Pay'r U. S. A. Paid in full June 17--1865 Daniel N. Adams, Paymaster U. S. A.

Know ye, That Jones Brown, a Private of Captain Budd Gritts' Company, (G) Second Regiment of Indian Infantry Home Guards Volunteers who was enrolled on the Sixteenth (16th) day of November One thousand eight hundred and Sixty two to serve Three (3) years or during the war, is hereby Discharged from the service of the United States this Thirty first day of May, 1865, at Fort Gibson Cherokee Nation by reason of Muster Out Per. S. O. No. 110 Hd. Qrs. Dept. Arks May 8th 1865, No objection to his being re-enlisted is known to exist

Said Jones Brown was born in Cherokee Nation in the State of _____, is Twenty three years of age, Five (5) feet Eight (8) inches high, Yellow complexion, Black eyes, Black hair and by occupation, when enrolled, a Farmer.

Given at Fort Gibson this Thirty first (31st) day of May 1865.

W. S. Phillips
Col. 3rd Regt. Indian Home Guards
Apt. Com. Musters Ind. Brig.

Budd Gritts Capt. Co. G.
2nd Indian Inft. Home Guards.

---oOo---

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T.,----------

I, the undersigned, Assistant Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Bruce C. Jones
Assistant Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 5th day of November, 1902.

Charles H. Sawyer
Notary Public.

Cert

C.7, D-18.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, Sept. 17, 1904.

In the matter of the application for the enrollment of Jonas Brown as a Cherokee Freedman.

JONAS BROWN being duly sworn testifies as follows:

Q What is your name? A Jonas Brown
Q How old are you Mr. Brown? A I am somewheres along up in 60.
Q Where do you live? A I live up here in the Creek Nation, by Tallahassee Mission
Q What is your post office address? A Clarksville.
Q Were you a slave? A Yes,sir.
Q To whom did you belong at the beginning of the Rebellion?
A Rebellion? Squoy Brown; his Indian name they called him Squoy; his English name was John Brown, but they mostly called him Squoy.
Q Where did Squoy Brown live at the beginning of the Rebellion?
A He lived down there in Illinois District
Q Was Squoy or John Brown a Cherokee Indian by blood? A Yes sir
Q Did he live in Illinois District at the beginning of the Rebellion?
A Yes sir.
Q Where did you go during the Rebellion?
A I went North with what was called the Pin Indians, I soldiered with them.
Q When did you return to the Cherokee Nation? A When peace was declared; I was in the Cherokee Nation when peace declared
Q You were mustered out at Fort Gibson were you? A Yes,sir
Q Did you go out of the Cherokee Nation after you were discharged?
A No sir.
Q Never did? A No,sir.
Q Where were you in the year 1866? A I was down there where they call Braggs Station, Illinois District.
Q Where were you in '67? A I was right down there.
Q How comes you are not on any of the authenticated rolls of the Cherokee Nation? A Well, the first rolls I was on there, and I moved over here in the Creek Nation and I never went down to enroll.
Q Where did you live in 1880? A '80? I was living in the Creek Nation.
Q You have always lived in the Creek Nation? A Yes,sir.
Q When did you first move to the Creek Nation? A I moved in the Creek Nation in '77.
Q In 1877, and have lived here ever since? A Yes,sir, ever since; raised my children here, have grown children here now.

Lucy M. Bowman , being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the above testimony, and that the above is a full, true and correct transcript of her stenographic notes thereof.

Lucy M Bowman

Subscribed and sworn to before me this 19th day of September,1904

Wm. Martin Jr.
Notary Public.

Cherokee Freedmen D-156.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jonas Brown as a Cherokee Freedman.

D E C I S I O N.

It appears from the record herein that Jonas Brown appeared before the Commission at Fort Gibson, Indian Territory, on April 24, 1901, and made application for his enrollment as a Cherokee freedman. Further proceedings were had in this matter at Fort Gibson, Indian Territory, September 21, 1901, and at Muskogee, Indian Territory, September 17, 1904.

It appears from the evidence herein that the applicant, Jonas Brown, was the slave of a Cherokee citizen at the commencement of the Rebellion; that during said Rebellion the applicant left the Cherokee Nation, but returned thereto and established a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of freedmen to said Nation.

It further appears from the evidence herein that the said Jonas Brown resided in the Cherokee Nation from the time of his return thereto until the year 1877, when he removed to the Creek Nation, where he has since resided.

It is, therefore, the opinion of this Commission that Jonas Brown should be enrolled as a Cherokee freedman, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge,
Commissioner.

Muskogee, Indian Territory,

this FEB 24 1905

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Jonas Brown,

Clarksville, I.T.
Cherokee F-D-156
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Gung.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. breckinridge,
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedman
D-156.

Muskogee, Indian Territory, September 7, 1904.

Jonas Brown,
Clarksville, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman you are advised that before the Commission can render a final decision in your case it will be necessary that you introduce further testimony tending to show that your former owner was a recognized citizen of the Cherokee Nation.

You are therefore hereby directed to appear before this Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, September 22, 1904, and give testimony as above indicated.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen

D-156.

Muskogee, Indian Territory, September 7, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

In the matter of the application of Jonas Brown for enrollment as a Cherokee freedman you are advised that before the Commission can render a final decision in this case it will be necessary that testimony be introduced tending to show that the applicant's former owner was a recognized citizen of the Cherokee Nation.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, September 22, 1904, and give tesyimony as above indicated.

The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

Tams Bixby.

Chairman.

COPY.

Cherokee Freedman
D-156.

Muskogee, Indian Territory, February 24, 1908.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1908, granting the application for the enrollment of Jonas Brown as a Cherokee freedman.

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.
Chairman.

Encl. L-52.

COPY.

Cherokee Freedmen

D-156.

Muskogee, Indian Territory, March 16, 1906.

Jonas Brown,

Clarksville, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting your application for enrollment as a Cherokee freedman.

You are advised that you will not be permitted to make an allotment selection until your name has been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-20.

COPY.

Cherokee Freedmen

D-186.

Muskogee, Indian Territory, March 16, 1908.

Harry G. Davis,
Attorney for Jonas Brown,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, granting the application for the enrollment of Jonas Brown as a Cherokee freedman.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-21.

IND. T.

Department of the Interior.
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.

MUSKOGEE, IND T
SEP 10
3 PM

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Louis Green,

Clarksville, Indian Ter.

REGISTRY RECEIPT.

Post Office at Fort Gibraltar

Registered Letter No. Parcel No. Received Sept 7th 1901

of J. C. Stam

to Gibraltar H. F.

addressed to George Brown

Clerk Kangel Office

Gibraltar Rock P. M.

REGISTRY RECEIPT.

Post Office at

Registered Letter / ~~Parcel~~ No. Rec'd 190

of

addressed to

Hubbard Ross, P. M.

P. M.

SEP 18 1901

FT GIBSON, I. T.

Cher Fr 1449

Trans. from Cher Fr D1224

Cher Fr 1449

R
Cher F D 1224

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For what do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Susie Chukelate, page 688, #279, Sequoyah district; also on Wallace roll, page 434, #719, Sequoyah district as Susan Chukelate; also on 1896 rill, page 717, #80, Flint district, as Susin Chuculate.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this 4 day of August, 1902.

[illegible]
Notary Public.

sworn to before me at Tahlequah, Ind. Terry. this the 11th day of February - - - -A.D. 1905.

My commission expires, April, 23rd. A.D. 1905. (3rd. Term)

Notary Public.

MAR - 2 1905

5012 24
Affidavit
Henry Brown
in relation to
Susan Chewulata,
a Cherokee freedman
citizen of Cherokee
Nation

---AFFIDAVIT.----

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } SS.

Personally appeared this day before me, William F. Rasmus, a Notary Public within and for the judicial District and Territory aforenamed, duly commissioned and acting, ---------- Henry Brown ---, to me ---- personally wellknown to be reputable and entitled to credit, and who being by me duly sworn upon h-is- oath according to law, deposes and says that, h-is- age is 54 years; that h-is- residence is Vian Ind Terr. that h-is- post-office address is - Vian Ind Terr. that -he is a Cherokee Citizen by Adoption

And affiant further states that, He is personally acquainted with one Susan Chuculate a full blood Citizen of the Cherokee Nation, that she has been and is now living with Rabbit Bunches family; that she has always lived in the Cherokee Nation, and that she is now and has been confined to her room on account of her infirmities for the past five years that the family she lives with are full blood Cherokees and live near Bunch Post Office Indian Terr. and that the said Bunch family belong to what is known as the "Night Hawk" band of Cherokees and therefore

She has never had an opportunity to appear before the Land Office or the Dawes Commission for enrollment. The said Susie Chuculate is more than an hundred years old and not able to appear before the Dawes Commission in person.

his
Henry Brown
mark

W.W. Burdett
Ed Butler

---ACKNOWLEDGMENT.---

The next above and the within and foregoing affidavit subscribed and sworn to before me at Tahlequah, Ind. Terry. this the 17th day of February ----A.D. 1905.

My commission expires, April, 23rd. A.D. 1905. (3rd. Term)

[illegible]
Notary Public.

5012 24
Affidavit
Henry Brown
in relation to
Susan Chuculate
a Choctaw freedman
citizen of Choctaw
Nation

MAR - 1905

The next above and the truth [illegible]

sworn to before me at Tahlequah, Ind. Terry. this the 17th day of

February - - - A.D. 1905.

My commission expires, April, 22nd. A.D. 1905. (3rd.Term)

Wm. Rennie

Notary Public.

Affidavit FD 1224

Andy Brown land

in relation to

Susan Chuculate

a Cherokee freedman

citizen of Cherokee

Nation

MAR [illegible] 1905

- - - A F F I D A V I T. - - - -

UNITED STATES OF AMERICA,
INDIAN TERRITORY, SS.
NORTHERN DISTRICT.

Personally appeared this day before me, William F. Rasmus, a Notary Public within and for the judicial Dis rict and Territory aforenamed, duly commissioned and acting, - - - - - - - - - - - - - - - - Andy Crapsland, to me - - - - personally wellknown to be reputable and entitled to credit, and who being by me duly sworn upon his oath according to law, deposes and says that, his age is - - - years; that his - - - residence is - Vian Ind Terr; that his - - - post-office address is - Vian Ind Terr; that he is a - Cherokee Citizen - - - - by Adoption. The affiant further states that, He is personally acquainted with one Susan Chuculate a Cherokee Freedman Citizen of the Cherokee Nation, that she was born and is now living with Rabbit Bunches family. That she has always lived in the Cherokee Nation and that she is now has been confined to her room on account of her infirmities for the last five or six years; that the family she lives with are full bloods (Cherokees) and live near Bunch Post Office Ind. Terr. and

That the said Bunch family belong to what is known as the Knight Hawk band of Cherokees and further she has not been able to make application before the Dawes Commission for enrollment. The said Susan Chuculate is more than an hundred years old and not able to come before the Dawes Commission except by Attorney

W. W. Boardman
Ed Butler

Rudy his X mark Crosland

--- A C K N O W L E D G M E N T ---

The next above and the within and foregoing affidavit subscribed and sworn to before me at Tahlequah, Ind. Terry. this the 17th day of February --- A.D. 1905.

My commission expires, April, 23rd, A.D. 1905. (3rd. Term)

Wm. Parris

Notary Public.

Affidavit
Rudy Crosland
in relation to
Susan Chuculate
a Cherokee freedman
citizen of Cherokee
Nation

FD 1224

FILED
MAR 25 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedman-D-1224.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 16, 1905.

In the matter of the application for the enrollment of Susie Chukelate as a Cherokee Freedman.

Richard Spaniard, being duly sworn, testified as follows:

Q. What is your name? A. Richard Spaniard.
Q. Are you a Cherokee by blood? A. Yes sir.
Q. Do you know one Susie Chukelate? A. Yes sir.
Q. How long have you known her? A. Pretty near all my life.
Q. What is your post office address? A. Stilwell.
Q. Where is she living? A. Down about Bunch.
Q. How far from you? A. About 17 miles.
Q. Do you see her often? A. Every time I go down there.
Q. How often do you go down? A. About every week or every other week.
Q. How old is she? A. I couldn't tell you.
Q. What is your best judgment? A. She is an old lady, pretty nearly helpless.
Q. Has she not any relatives living? A. Not that I know of.
Q. She is a Freedman is she not? A. Yes sir.
Q. How old are you? A. I am 29.
Q. You have probably known her for 20 years? A. Yes sir, I have known her ever since I was a little boy.
Q. Has she any children? A. Not that I know of.
Q. Did she ever have any? A. Not that I know of.
Q. With whom is she living? A. Mrs. Bunch.
Q. Is she able to go around? A. No sir.
Q. What is the reason? A. She is so old, I guess. She has to have her grub brought to her. She is blind and can't walk.
Q. Is this Mrs. Bunch taking care of her? A. Yes sir, Mrs. Bunch is a widow, her man is dead.
Q. Do you know as to whether or not she has any living relatives? A. No sir, I don't know.
Q. How long has she been living with this widow Bunch? A. Ever since I have known her.
Q. And you have known her for the last 20 years? A. Yes sir, all my life.
Q. Do you know anything of her drawing money? A. No sir, I don't.
Q. This woman has lived, to your knowledge, over 20 years in the Cherokee Nation? A. Yes sir.
Q. And she has made her home nowhere else? A. No where else that I know of.
Q. You never have heard of her having any children at all, have you? A. No sir, I haven't.

WITNESS EXCUSED.

Transfer to straight card.

Nula Jennes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 16th. day of March, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Nula Jennes Branson

Subscribed and sworn to before me this the 24th. day of March, 1905.

Myron White,
Notary Public.

Cherokee Freedmen
D-1224.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application for the enrollment of Susie Chukelate, as a Cherokee Freedman.

O R D E R.

It appears from the record in this case that on June 30, 1902, Emmet Starr appeared before this Commission, at Muskogee, Indian Territory, and made application for the enrollment of Susie Chukelate, as a Cherokee Freedman., her name being listed upon Card, Cherokee Freedmen D-1224. Additional proceedings were had in the matter of said application, at Muskogee, Indian Territory, on March 16, 1905.

The evidence in this case shows that said applicant is a Cherokee Freedman and is identified upon the 1880 Authenticated Cherokee Roll, and also upon the 1896 Cherokee Census Roll. Said applicant has resided continuously in the Cherokee Nation for the past twenty years.

It is, therefore, ordered that the name of the applicant, which now appears on Card, Cherokee Freedmen D-1224, be transferred to Cherokee Freedmen 1449.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Muskogee, Indian Territory,

MAR 28 1905

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D 1224

Muskogee, Indian Territory, January 5, 1905

Mayo & Mayfield,
Vinita, Indian Territory.

Gentlemen:

Replying to your telegram of December 27, 1904, asking to be advised if the name of Susie Chuckelate is on the final roll of Cherokee freedmen, you are advised that the said Susie Chuckelate has been listed for enrollment, from information, upon Cherokee Freedmen Doubtful card No. 1224. You are further advised that the Commission has not yet rendered a decision in this case.

Respectfully,

Chairman

COPY.

Cherokee Freedmen

No. 1449.

Muskogee, Indian Territory, March 31, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of an order of the Commission dated March 28, 1905, transferring the name of Susie Chukolate from Cherokee Freedmen Doubtful card No. 1224, to Cherokee Freedmen straight card No. 1449, together with said transferred straight card No. 1449.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-10.

MUSKOGEE, IND.
FEB 6
11 PM
1906

Department of the Interior.
Commissioner to the Five Civilized Tribes
MUSKOCEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

NITA, I.N.T.
FEB 8

Cher Fr. 1450

Cher Fr 1450

(1) (59)

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of
JAMES HARRISON HILL,
as a Cherokee Freedman

CHEROKEE FREEDMAN D 747.

DOUBTFUL, as to James Harrison Hill:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 17th, 1901.

In the matter of the application of Lucy Hill for the enrollment of herself and three children as Cherokee Freedmen; said Hi ll being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Lucy Hill.
Q How old are you? A Itguess I am about 50 I guess, I don't know my age.
Q What is your post office? A Nowata.
Q In what district do you live? A Coweescoowee District.
Q You want to be enrolled as a Cherokee Freedman do you?
A Yes, sir.
Q Do you want to apply for anybody besides yourself? A Just me and my children.
Q How many children? A Got five I believe that is living now that I have got to enroll for, stand for.
Q Are these five all under 21 years of age?
A No, sir, my baby boy is about ten years old, and then my oldest boy is gone to the war, he is about 30 I guess.
Q Now, you apply for yourself and three children? A Yes, sir.
Q How long have you lived in the Cherokee Nation?
A Li ved in the Cherokee Nation all my life, backwards and forth in the time of the war, I was with my owners on Red river.
Q You were a slave were you when the war came on? A Yes, sir.
Q To whom did you belong? A Joe Beck.
Q Was he a well know Cherokee citizen? A Yes, sir.
Q Where did he live? A He lived about six or seven miles of Hilderbrand's Mill, I don't know what district that would be.
Q You want out with him duringthe war did you? A Yes, sir.
Q What time did you come back? A We come back in time, '66, at the time Johnson Thomas, Gus Buffington and Jeff Sutton and all of them.
Q Have you lived in the Cherokee Nation ever since you came back in 1866? A Yes, sir, I guess I have out and work and back.
Q Give me the name of your father? A Jim Beck.
Q Is he dead? A Yes, sir, he is dead.
Q How long has he been dead? A I cou ld not tell, he died just before the colored payment over here.
Q Died just before the Kern-Clifton payment? A Yes, sir.
Q Give me the name of your mother? A Lottie Beck.
Q Is she dead? A Yes, sr, she died before the war, when I was a little girl.
Q Did you go out during the war with your father? A No, sir, I went with my Master, Frank Beck; my father stayed here in the Nation all the time of the war.
Q Did your father stay in the Nation from the war down until he died , A Yes, sir.
Q How many times have you been married? A I have been married twice.
Q Give me the name of your first husband? A Hill was my first husband.
Q What is his full name? A Allen Hill.
Q When did you marry him? A I could not just tell, it has been about close on to 30 years, my oldest boy is about 30 years old.
Q Was he a stat e man or Cherokee? A Yes, sir, he is a state man; didn't claim any right only just through by me.
Q When did he die? A He died about 25 years ago.
Q You and he lived together about five years or such as matter?
A Yes, sir; maybe lived together longer than five years, I got three children by him.
Q Did you live with him from the time you married him until he died?
A Yes, sir, he died on Big Creek.

Q Well, give me the name of your second husband? A Sim Welch was my second husband.
Q Is he dead or ali ve? A He is dead.
Q How long has he been dead A I guess he has been dead about ten years, but I wasn't living with him when he died; he married another woman.
Q Well, have you any children b Sim Welch? A Yes, sir; thi s little boy I had four children by him but three died.
Q All four of them dead? A No, sir, two of them is dead, Peggie and Frank is living.
Q About how long since you and Sim Welch married? A It has been about 15 or 16 years ago, I guess.
Q Was he a state man or Cherokee? A Yes, sir, he is a stat e man.
Q How you have married sinc e Sim Welch died? A No, sir, I haven't got any husband.
Q Well, then your name is really Welch; di you live with Welch until he died? A No, sir, we separated.
Q Did you take your name of Hill since you and he parted?
A Yes, sir, I always kept my old name, that is the name I always called by.
Q Have you any certificate of marriage to your first husband, Hill?
A No, sir, we was just married by the preacher, Uncle Nathan Tyner.
Q Now, give me the names of these three children that you apply for; first give me the name of the child you apply for in the army?
A James Hill; you said to enroll him as Hill; we call him Bud.
Q I wan t to know the child's lawful name? A James Hill.
Q How old is James Hi ll? A He is close on to 30, my oldest child
Q You say he is in the army? A Yes, sir.
Q Where is he? A I don't know; he enlisted down below and I was living here at Nowata when he was gone.
Q Do you know what Regiment he is in? A No, sir, I don't; I guess Henry Pack knows, he says he gets letter from him out there.
Q Now, give me the name of the next child you apply for?
A Frank Welch, that is Welch's child.
Q How old is Frank Welch? A He i s going on twelve years old.
Q Now, the next child? A Lewis Welch.
Q How old is Lewis? A He is about 18 I guess.
Q Is your son, James married? A Yes, sir.
Q Where is his wife? A Tahlequah.
Q Have any children? A No, sir.
Q Well, she will have to apply for her husband? A She sent me word to apply for him here.
Q Is she a State woman or what? A No, she is a Cherokee Freedman.
Q Now, Lewis is older than Frank? A Yes, sir.
Q Are these children all living now? A Yes, sir.
Q Your son James is living so far as you know? A Yes, sir, I ain't heard from him since last September.

The 188) Authenticated Roll of Freedmen of the Cherokee Natio n examined and name of applicants found thereon as follows:
Page 512, #316, Lucy Beck, Illinois District.
Page 512, #318, Harrison Beck, Illinois District.

Q Is James called by any name except James? A James Harrison.

The Kern-Clifton roll of Freedmen of the Cherokee Nati on examined and names of applicants found thereon as follows:
Page 113, #2804, Lucy Beck, Illinois District.
Page 113, #2811, Frank Beck, Illinois District.
Page 113, #2807, Louis Beck, Illinois District.
Page 113, #2801, Harrison Beck, Illinois District.

Q Is there somebody here now knows about you being marriec to thi s man Hill and knows you were a Beck in your young days?
A Yes, sir, my stepmother kno s.
Q Where is she? A She is here.

JENNIE BECK, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your full name? A Jennie Beck.
Q How old are you? A I cou ld not tell, I don't know.
Q Well, come as near as you can? A My age is down but I can't tell.
Q I don't know it? A I don't.
Q Are you 65 years old? A Yes, sir, I spect I am.
Q Do you know the applicant here, Lucy Hill? A Yes, sir.
Q How long have you known her? A I have known her ever since she was a little girl.
Q What was her name when was was a little thing? A Lucy Beck.
Q What was the name of her first husband? A I wasn't acquainted with her first husband.
Q Well, what name did she go by before she married her last husband? A Lucy Hill.
Q What was the name of the past man she lived with? A Welch.
Q Well, has she got any children by that first husband, Hill?
A Yes, si r.
Q What are their names, do you remember? A Bud, Webb Hill, Nath Hill.
Q Is Bud the one they call James Harrison? A Yes, sir, I guess so, they nicknamed him.
Q You just know him as Bud do you? A Yes, sir.

LUCY HILL, the applicant, recalled:

Q Now, these two younger children, their father's name was Welch?
A Yes, sir.
Q But you had them enrolled as Beck? A Yes, sir.
Q Now, we want to enroll them under their present lawful name, put hem down then as Frank and Lewis Welch? A Yes, sir.
Q Now, your son James? A He is a Hill.
Q You had him put down as a Beck? A Yes, sir.
Q Now, do you want him put down as James Harrison, James H?
A Yes, sir.
Q Harrison is a part of his real name? A Yes, sir.
Q Where have you been at work outside of the Cherokee Nation?
A I have been to Coffeyville and worked out, I was working in Fort Scott.
Q How long did you ever go up there and work at one time?
A I guess I would be up there sometimed two or three months but then my things was always here in the Nation and I worked there; I was just a small girl; my father let me go there with my sister to be confined.
Q Where were your children born? A Here in the Cherokee Nation.
Q You only went out on short trips? A Yes, sir, that is all.

COM'R BRECKINRIDGE: The applicant applies for the enrollment of herself and three children. She is identified on the roll of 1880 and on the Kern-Clifton roll, her nationality not being given upon the 1880 roll. She has lived consistently in the Cherokee Nation all her life except during the period of the war, and was a slave of a Cherokee citizen at the breaking out of the war and no doubt is enter-

tained of her having returned within the period described by by the treaty of 1866. She will now be listed for enrollment as a Cherokee Freedman. The applicant's change of name arising from marriage is established in a satisfactory manner. She will be listed now under the name of Lucy Hill, that being according to the testimony her lawful name at this time. Her oldest child is identified on the roll of 1880 and on the Kern-Clifton roll where he was enrolled under the applicant's maiden name of Pack. It is shown that the lawful name of this child is James H. Hill. He is 30 year of age and is said to be a soldier in the United States army; he is said to be married but it appears that his wife has not applied for him. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card for further identifification as respects his military status. The two younger children, Lewis an d Frank Welch, are shown to be the applicant's children by her second husbang, or rather by the man with whom she lived some year, but she states that they were never lawfully married. These children are identified on the Kern-Clifton roll with the applicant under her maiden name. They are now living and they will be listed for enrollment as Cherokee Freedmen under their proper names viz: Lewis and Frank Welch.

LUCY HILL recalled:

Q Now, what is the name of the wife of your son James?
A Mary.
Q Is she a State woman or Cherokee freedman? A No, sir, she is a Cherokee Freedman.
Q She is living at Tahlequah is she? A Yes, sir, living right in Tahlequah.

Com'r Breckinridge: It is found upon examination that the wife of this man, James H. Hill, applied for enrollment at Fort Gibson, April 8th, 1901, and was duly listed for enrollment as a Cherokee Freedman. Her card is Cherokee Freedman #215, and at the same time she had listed for enrollment with her a niece, Mary Grimmett. There appears to be no child of this marriage? and a note will be made on the card of Mary Hill, referring to the enrollment of her husband as he is mentioned in her case and not accounted for.

HENRY PACK, being sworn and examined by Commissioner C. R Breckinridge, testified as follows:

Q Give your name? A Henry Pack.
Q What is your post office? A Tahlequah.
Q Do you know what Regiment this young man, James H. Hill, they call Bud Hill, is in? A Yes, sir.
Q What is it? A 24th Infantry, Company F.
Q Colored Infantry? A Yes, sir.
Q Where is he stationed now? A Philippine Islands.

---oooOOOooo---

J. O: Rosson, being first fuly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this June 29th, 1901.

Commissioner.

B

Jan 7 H 1

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 18 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date [illegible]

Post Office [illegible]

District

1. Name [illegible] Age [illegible]

Citizenship

Owner's name

Year [illegible] Page [illegible] No. [illegible] District [illegible]

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age

Citizenship

Owner's name

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12	Year	Page	No.	Dist.

Application made by [illegible] Stenographer [illegible]

[illegible]

X [illegible]

5

7D747.

IN RE
THE DEATH OF

James H. Hill

a citizen of the

Choctaw Nation.

Approved May 11 1904

C. R. Breckinridge,
Commissioner.

MAY 1 1904

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of James H Hill.
(Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided at or near Muskogee, Ind. Ter., and died ~~on the~~ about the middle ~~day~~ of Feb, 1904.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, Lucy Hill, on oath state that I am 52 years of age and a citizen, by adoption, of the Cherokee Nation; that my post office address is Muskogee, Ind. Ter.; that I ~~am~~ was the mother of James H Hill,
(State relationship as the father, mother, cousin, etc.) (Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation; and that said James H Hill died ~~on the~~ about the middle ~~day~~ of Feb, 1904.
(Here insert name of deceased.)

her
Lucy X Hill.
mark

WITNESSES TO MARK

(Must be Two Witnesses) Lewis H. Pitts
Edward Le Flesch

Subscribed and sworn to before me this 11th *day of* May 1904.

Samuel Foreman
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, , on oath state that I am years of age, and a citizen, by , of the Nation; that my post office address is Ind. Ter.; that I was personally acquainted with
(Here insert name of post office.) (Here insert name of deceased.)
who was a citizen, by , of the Nation; and that said died on the day of
(Here insert name of deceased.)
, 1

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this day of 190

Notary Public

Cherokee Freedman D-747.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, FEBRUARY 1, 1905.

IN THE MATTER OF THE APPLICATION for the enrollment of James H. Hill as a Cherokee Freedman.

:0:0:0:

MARY HILL being first duly sworn testified as follows:

BY THE COMMISSION:
Q What is your name? A Mary Hill.
Q Where do you live? A Tahlequah.
Q What is your postoffice address? A Tahlequah.
Q How old are you? A 49.
Q You are the mother of James H. Hill? A No, sir. He is my husband.
Q Is he living? A No, sir.
Q When did he die? A A year ago last month.
Q Where did he die? A At Melvin.
Q When did you first get acquainted with James H. Hill? A About 12 years ago when I first got acquainted with the family.
Q Where was he living then? A Living at Gibson.
Q When were you and he married? A About 7 years ago.
Q You never knew anything about him then prior to about twelve years ago? A No, sir.
Q Was James H. Hill in the army? A He did go to the army.
Q After you knew him? A After we were married.
Q In '98? A Yes, sir.
Q During the Spanish-American war? A Yes, sir. After he come back from the war he died.
Q Who were the parents of James H. Hill? A Lucy Hill, his mother.
Q Is she living? A yes, sir.
Q Is his father dead? A Yes, sir.
Q You don't know anything about where he lived prior to twelve years ago? A He lived at Fort Gibson twelve years ago.
Q But prior to that time you don't know? A No, sir.
Q Has he lived in the Cherokee Nation? A Yes, sir he lived in the Cherokee Nation.
Q About what age man would James H. Hill be if he was living, older or younger than you? A Yes, sir, he was younger than I, I guess he was about 31 or 32.
Q He has lived in the Cherokee Nation since you become acquainted with him twelve years ago except the time that he served in the army? A Yes, sir.

Witness Excused.

Opal Griggs being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 1st day of February, 1905 and that the above is a full, true and correct transcript of her stenographic notes thereof.

Opal Griggs

Subscribed and sworn tonbefore me this 30th day of ~~February~~ March 1905.

Lucia O. Case
Notary Public.

My commission expires Mar 14- 1909.

Cherokee Freedman-D-747.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, May 1, 1908.

In the matter of the application for the enrollment of James H. Hill as a Cherokee Freedman.

Lucy Hill, being duly sworn, testified as follows:

Q. What is your name? A. Lucy Hill.
Q. What is your post office address? A. Nowata.
Q. That is in the Cherokee Nation? A. Yes sir.
Q. How old are you? A. I guess I am about 50 or 60 years old. I was born before the war, and was a good sized girl when the war come up.
Q. Is James H. Hill your son? A. Yes sir.
Q. Is he living? A. No sir.
Q. When did he die? A. He died last February, as near as I can come at it.
Q. You mean last February was a year ago? A. Yes sir I guess so.
Q. He hasn't been dead two years yet? A. No sir.
Q. Who was the father of James H. Hill? A. Allen Hill.
Q. Was he a Cherokee Freedman? A. No sir, a state man.
Q. Where was James H. Hill born? A. On Big Creek.
Q. In the Cherokee Nation? A. Yes sir, and his father died on Big Creek.
Q. Where did he live after he was born? A. He has always lived with me until he got of age, and then he lived at Fort Gibson, Tahlequah, and around at different places in the Nation. Then he went to the war and served something over two years and then got sick. He wrote to me from San Francisco to send for him that he was sick, and I sont for him and he was at home sick for about two months, and then nothing would satisfy him but he must go to his brother's down here at Melvin, and he died there.
Q. Did he live in the Cherokee Nation until the time when he enlisted in the army? A. Yes sir.
Q. Where did he enlist? A. I don't know, sir. I have got his paper -- that he was listed out with.
Q. Have you got it with you? A. Yes sir, I think so.

(Discharge is produced, and a copy made, to be introduced in evidence.)

Q. This discharge calls him Bud Hill. Was that his name? A. Yes sir, we nicknamed him Bud when he was a little thing.
Q. This Bud Hill is your son? A. Yes sir. When we enrolled him we enrolled him by the name of James Harrison Hill. That is his full name.
Q. Where did you get this paper? A. He brought it to me when he come from the war.
Q. When did he return? A. I couldn't tell you just what time it was, but it was just before Thanksgiving.

Q. Then he died the spring following? A. Yes sir.
Q. What war was he in -- the Spanish-American war? A. He was in the Phillipine war.
Q. You said your son lived in the Cherokee Nation all his life up to and including September 1, 1902, except the time he was in the United States Army? A. Yes sir.
Q. He was married, was he not? A. Yes sir, he had a wife, but they was parted. I guess she wouldn't have nothing to do with him.
Q. What was her name? A. Mary Hill.
Q. Has he any children? A. Yes sir, one child by his first wife. He had been married twice. Her name before she married was Minnie Wade, and her marriage name was Minnie Hill.
Q. What is that child's name? A. Martha.
Q. Where did your son enlist? A. I don't know, sir, but it was somewhere about Wagoner.

(The witness, and the mother of the applicant, is identified on Cherokee Freedman 1014, and is No. 2442 upon the final roll.
The daughter of the applicant is identified upon Cherokee Freedman card No. 551, and No. 1338 upon the final roll, and the former wife of applicant is also on the same card with his child, Martha Hill.)

Q. Where did your son die? A. At his brother's house at Melvin. He come from San Francisco and stayed with me about two months..
Q. Has this young man ever been known by any other name? A. Nothing only Bud. His name was James Harrison Hill.
Q. Was he ever known by the name of Beck? A. Yes sir, that was when they were making the Cherokee roll. They said when they went went to enroll us that they didn't know us by the name of Hill, but to put down my owner's name, and that was Beck. When I went to allot the land I put down my marriage name.
Q. Have you and your son always been enrolled under the name of Beck? A. Yes sir, until this last enrollment for the land I put down my marriage name.
Q. You and your children took your owner's name? A. Yes sir.
Q. Has an administrator been appointed for this estate? A. No sir.
Q. You have made no application at all to the court? A. No sir. I went to file him and got his number at Tahlequah and after they gave me a doubtful number, then I thought I would get out guardian papers and see if I couldn't get him back on a straight card, and Mary, his wife that lives with me, kicked against it. I went to Mr. Hastings and he said he didn't see how it come, when I showed him the number.
Q. Where is his child stopping? A. At my house. She is my granddaughter and lives with me.
Q. This child of James H. Hill is living with you now? A. Yes sir.
Q. At Nowata? A. About six miles west of Nowata.
Q. Didn't you say your post office was Nowata? A. Yes sir, I get my mail there, but I live on my place, a bout six miles from Nowata.

WITNESS EXCUSED.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 1st. day of May, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula J. Branson

Subscribed and sworn to before me this the 3rd. day of May, 1905.

Myron Abitz,
Notary Public.

C.F.D. 147

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160

Sta. Mesa, May 22-03.

Santa Mesa, Manila P.I.

May 16, 1903.

Manila, P.I. Jun. 5, 1903.
Transportation furnished from
Manila P.I. to San Francisco, Cal. 1st. Prov. Co. Class A.N.

O. P. Robinson
Quartermaster.

ARMY OF THE UNITED STATES.

Santa Mesa, Manila, P.I.

TO ALL WHOM IT MAY CONCERN:

KNOW YE, That Bud Hill, a Private of Co. F. of the 24th. Regiment of Infantry, who was enlisted the 12th. day of July, one thousand nine hundred and -------- to serve 3 years, is hereby DISHONORABLY DISCHARGED from the ARMY OF THE UNITED STATES in consequence of the sentence of a General Court-Martial per par 18 S.O. 192 Headqrs Dept. No. Phils, Aug. 5, 1902.

The said Bud Hill was born in Big Creek, in the State of Indian Territory, and when enlisted was 29 9/12 years of age, 5 feet, 8 inches High, Dark complexion, Bro # 2 eyes, Black hair, and by occupation a Farmer.

Given under my hand at Cuartel de Espana, this 11th. day of August, in the year of our Lord one thousand nine hundred and two.

Alcatraz Island, Cal. July 11, 1903.
Five dollars donation and suit of clothes furnished

G. A. McElroy
2nd Lieut. Batt. O.M.
& C.S., 13th. Infty.,
Quartermaster.

Peter E. Marguet,
Capt. 2nd. Infantry,
Commanding Post.

Eula Jeanes Branson, being duly sworn, states that she copied the above discharge from the original, on this the 1st. day of May, 1905, and that it has been carefully compared, and is a correct copy of said original.

Eula Jeanes Branson

Subscribed and sworn to before me this the 1st. day of May, 1905.

Thyrone White
Notary Public.

Cherokee Freedman D 747

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James Harrison Hill as a Cherokee Freedman.

--:--

O R D E R.

THE RECORD IN THIS CASE SHOWS: That, on June 17, 1901, Lucy Hill appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment, among others, of James Harrison Hill as a Cherokee freedman. Additional proceedings were had in the matter of said application at Muskogee, Indian Territory, May 1, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That James Harrison Hill is identified upon the 1880 authenticated Cherokee roll and has resided continuously in the Cherokee Nation from the date of his birth up to and including September 1, 1902, with the exception of a temporary absence while serving in the United States army.

IT IS THEREFORE ORDERED BY THE COMMISSION: That James Harrison Hill be transferred from card Cherokee Freedman Doubtful 747 to a Cherokee Freedman straight card.

Chairman

Dated at Muskogee, Indian Territory,

this MAY 17 1905

C/ 7LD7147

MAR

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee F.D-747

Tahlequah, Indian Territory, December 9, 1903.

Mary Hill,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby notified to appear at the Cherokee Land Office of this Commission at Tahlequah, I.T., on December 22, 1903, for the purpose of giving testimony in the matter of the application for the enrollment of James H. Hill as a Cherokee freedman.

Evidence is particularly required as to his residence in the Cherokee Nation.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MFM

Cherokee F.D-747

Tahlequah, Indian Territory, December 9, 1903.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Tahlequah, Indian Territory.

Gentlemen:

Mary Hill, the wife of James H. Hill who is an applicant for enrollment as a Cherokee freedman and listed upon Cherokee card F.D-747, has this day been notified to appear at the Cherokee Land Office of this Commission at Tahlequah, on December 22, 1903, for the purpose of giving further testimony as to the residence in the Cherokee Nation of said James H. Hill.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MFM

(INDEXED)

COMMISSION TO THE FIVE TRIBES			
No. 25177 1903	Received DEC 26 1903	Examined Back	Copy

Cherokee Land Office,
Tahlequah, I. T.,
Dec. 23, 1903 .

Transmits record in Cherokee
F. D 747, James H. Hill.

CHIEF CLERK

7 D 747

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee F.D-747

ADDRESS IN REPLY TO THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, December 23, 1903.

Commission to the Five Civilized Tribes,
Cherokee Division,
Muskogee, Indian Territory.

Gentlemen:

There is returned herewith the record in Cherokee freedman case F.D-747, James H. Hill, the same having been transmitted to this office with Commission's letter of December 5, in order that further testimony might be taken in accordance with a note attached thereto.

The wife of this applicant, Mary Hill, appeared at this office on December 22, but from her statement, it developed she had only known James H. Hill for about ten years and her testimony was not taken. The said Mary Hill informed this office, however, that James H. Hill is now at Nowata, living with his mother, Lucy Hill, and it is suggested that he be notified to appear before the office of the Commission at Muskogee and give the testimony required in his case.

Respectfully,

C. R. Breckinridge

Commissioner in Charge
Cherokee Land Office.

MFM

Enc. M-119

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen
D-747.

Muskogee, Indian Territory, January 9, 1904.

James H. Hill,
Nowata, Indian Territory.

Dear Sir:

In the matter of the application of Lucy Hill for your enrollment as a Cherokee freedman, you are advised that further testimony is required as to your residence from 1880 up to the time of your enlistment in the United States army.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Thursday, February 11, 1904, at nine o'clock A. M., and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-747.

Muskogee, Indian Territory, January 9, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Lucy Hill for the enrollment of James H. Hill as a Cherokee freedman, you are advised that further testimony is required as to the residence of James H. Hill from 1880 up to the time of his enlistment in the United States army.

James H. Hill has therefore been directed to appear before the Commission, at its offices in Muskogee, Indian Territory, on Thursday, February 11, 1904, at nine o'clock A. M., and introduce testimony covering the points above mentioned.

The Cherokee Nation will be permitted to appear on that date and introduce testimony in rebuttal.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedman
D-747.

Muskogee, Indian Territory, January 13, 1905.

Mary Hill,

Tahlequah, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of James H. Hill, now deceased, as a Cherokee Freedman, you are advised that the Commission desires further testimony as to the residence of James H. Hill in the Cherokee Nation. It is very essential to a disposition of this case that this testimony be furnished the Commission.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday, February 1, 1905, and introduce testimony covering the points above mentioned.

Respectfully,

Tams Bixby.
Chairman.

Register.

COPY

Cherokee Freedman
D-747.

Muskogee, Indian Territory, January 13, 1905.

Blue & Bulger,

Attorneys for Mary Hill,

Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of James H. Hill, now deceased, as a Cherokee Freedman, you are advised that the Commission desires further testimony as to the residence of James H. Hill in the Cherokee Nation. It is very essential to a disposition of this case that this testimony be furnished the Commission.

Mary Hill, wife of the applicant, has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday, February 1, 1905, and introduce testimony covering the points above mentioned.

Respectfully,

Tams Bixby
Chairman.

Register.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chero R

REFER IN REPLY TO THE FOLLOWING:
Cherokee 8487.

Muskogee, Indian Territory, January 21, 1905.

Charles Whooper,

Barron, Indian Territory.

Dear Sir:-

You are hereby notified that before any further action can be taken in the matter of your application for enrollment as a citizen of the Cherokee Nation, it will be necessary for you to appear before this Commission, at Muskogee, Indian Territory, and give testimony relative to your residence in the Cherokee Nation.

This matter should receive your immediate attention.

Respectfully,

Register.

Chairman.

COPY.

Cherokee Freedmen

D-747½

Muskogee, Indian Territory, May 18, 1905.

Lucy Hill,

Nowata, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of May 9, 1905, relative to the enrollment of your son, James H. Hill, as a Cherokee freedman.

In reply you are advised that, in the near future, the name of the said James H. Hill will be placed upon a final schedule of Cherokee freedmen to be forwarded to the Secretary of the Interior for approval. You are further advised that you will not be permitted to make an allotment selection for the said James H. Hill until said schedule has been approved by the Secretary, of which you will be duly notified.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

This party now in the Office and does not speak English We put an interpreter and he positively refused to take the Reg. Letter or to sign for same

Respectfully T. W. Harvey

[illegible]

ROM
APR
25
1905

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Charles Whooper,

Baron, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Reg No. 70/70.

REGISTERED. MAR MUS

Mr. James [illegible],

[illegible], Indian [illegible].

EDIC
AM
ECID

Return to writer
unclaimed

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.
Penalty for private use, $300.

MUSKOGEE, IND. T.
JAN 8
8 PM
1904

Cher Fr 1451

Cher Fr 1451

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a Cherokee Freedman of:

Lewis A. Pool----------Cherokee Freedman D-144.

-------O-------

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 22d, 1901.

In the matter of the application of Peggie Wiggins for the enrollment of her ward, LOUIS A. POOL, as a Cherokee Freedman; said Wiggins being sworn and examinedby Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A Peggie Wiggins.
Q How old are you? A I am about 39.
Q What is yourpost office? A Vian.
Q In what district do you live? A Illinois.
Q You want to enroll a child now, do you? A Yes, sir.
Q Give me the name of your child? A Louis Armsby Pool.
Q How old is the child? A Five years old.
Q He is not your child is it? A No, sir.
Q Give me the name of the father of this child? A Charley Pool/
Q Is he alive? A Yes, sir.
Q Is he a Cherokee Freedman? A No, sir.
Q Give me the name of the mother of this child? A Nancy Pool.
Q Is she alive? A No, sir, she is dead.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Howlong has she been dead? A She has been dead about, she died during this last payment.
Q Died about four years ago? A Yes, sir.
Q Pretty soon after the childwas born? A Yes, sir.
Q What was her name before it was Pool? A Her name was Nancy Benge I guess.
Q How old was she when she died? A I could not tell you.
Q Is there anybody here who knows anything about her? A Yes, sir.
Q Who here knows anything about her? A Uncle Perry Mackey.

PERRY MACKEY, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Perry Mackey.
Q How old are you? A 54.
Q What is your post office? A Braggs.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant here, Peggie Wiggins? A Yes, sir.
Q Did you know a woman named Nancy Pool? A Slightly acquainted with her, I well knew her mother.
Q What was her mother's name? A Betsy Benge by owner.
Q Her mother was Betsy Benge? A Yes, sir.
Q You mean Nancy Pool's mother was named Betsy Benge? A Yes, sir.
Q Did you know Nancy Pool(s father? A No, sir, I did not.
Q How long has Nancy Pool been dead? A I could not answer just exactly.
Q Did she leave a child? A So I have understood, she left a child, give it away.
Q Do you know the child? A No, sir.
Q Well, Betsy Benge, she is dead is she? A Yes, sir.
Q How long has she been dead? A She has been dead to my memory about twenty years, near about it.
Q Was she a slave in the Cherokee Nation in old times? A Yes, sir
Q To whom did she belong? A Lucy Benge, Pickens Benge's wife.
Q Where did Betsy Benge die? A She died down in Sequoyah.
Q Did you live in the neighborhood of where Lucy Benge lived?
A No, sir, I live in Illinois District.
Q Did you know Lucy Benge, the master of Betsy? A I knew her before the war and during the war.
Q And you knew Betsy as their slave? A Yes, sir.
Q Lucy Benge is dead is she? A Yes, sir.
Q Is her husband dead? A I could not tell that, I think though he is.
Q You knew Betsy Benge during the war? A Yes, sir.
Q Where was she during the war? A She was taken down south, down into the Choctaw Nation.

Q Were you taken to the same neighborhood? A Yes, sir, right in the same neighborhood.
Q Well what time did you come back after the war? A I got back the 8th of October, I landed back at We bbers Falls after peace was made.
Q When did you see Betsy Benge after the war? A I was freighting for Mr. Cobb, hauling all-day freight from Fort Smith and I would see her.
Q About when was that? A About twenty years ago.
Q That is the first time you saw Betsy? A After they returned back here, but I saw them out in the south.
Q You don't know then of your own knowledge when she come back from the Choctaw country? A No, sir.
Q But some twenty years ago, or such a matter you did see her here in the Cherokee country; then she died pretty soon after that, is that right? A Yes, sir.
Q Well now, Betsy's daughter, Nancy, did you know her of your own knowledge? A No, sir, I have saw her.
Q Did you know her before she married a man named Pool? A I knew her and her brother, just saw them a few times.
Q Did you know her as a daughter of Betsy Benge? A Yes, sir, I know her so said to be.
Q Did she live with Betsy Benge when you saw her? A Yes, sir.
Q She was living there as a child with Betsy Benge? A She was taken south during the war.
Q And was she with her as Betsy Benge's child? A Yes, sir, but I don't remember seeing her any more after she died.
Q You didn't remember seeing her from the time you saw her during the war until she was a woman? A No, sir.
Q After she had married? A No, sir, I never saw her any more since she was married.
Q About how old was she when you saw her after the war? A Some 16 or 17.
Q Where was she then? A In Sequoyah District.
Q What was the name of the father of this woman, Nancy Pool?
A I don't know his name.

The 1880 Authenticated roll of citizens of the Cherokee Nation examined and the name of the mother of child for whom application is made is not found thereon.

PEGGIE WIGGINS, the Applicant, re-called, testified asfollows:

Q Do you know his (Nancy Pool's father's) name now? A No, sir, his brother is named Steve Blackhawk.
Q You saw Steve Blackhawk is a brother of Nancy Pool? A Yes, sir.
Q Is he a full brother or half brother? A They are all of one mother because they all growed up together.

Commissioner Breckinridge to Witness PERRY MACKEY;

Q Do you know Steve Blackhawk? A Yes, sir.
Q Do you know that he is a brother of Nancy Pool? A Yes, sir; well, I don't know it to be facts from birth no more than from all saying.
Q Was Steve Blackhawk recognized as the child of Betsy Benge?
A Yes, sir.
Q They had the same mother? A Yes, sir.

The 1880 Authenticated roll of citizens of the Cherokee Nation examined and the alleged brother of Nancy Pool found thereon, page 511, #290, Stephen Blackhawk, Illinois District.

Q Did this woman, Nancy Pool, live in the Cherokee Nation all her life as far as you know? A As far as I know.

COMMISSIONER BRECKINRIDGE TO APPLICANT, Peggie Wiggins:

Q What do you know about this woman living in the Cherokee Nation all her life? A We growed up girls together and she died about ten miles from me.
Q And you know that she lived in the Cherokee Nation all her life except about ten years in the Choctaw Nation? A I don't know about that; when I first moved down to Sandtown I was about ten years old and Nancy was a little elder than I and we played together.
Q Was Nancy never married before she married Pool? A No, sir.
Q She must have been a woman over 20 years of age at the time the 1880 roll was made, she is older than you and you are 39; did you ever hear of her being married except to a man named Pool?
A She enrolled on the Wallace roll as Pool and enrolled two or three of her children.
Q Did you ever hear of her being married except to a man named Pool? A Yes, sir.
Q Who? A I don't know, she has got a boy by the name of.
Q How many children did she have that are not Pool's children?
A One.
Q What is the name of that child? A I think his name is Sam.
Q Sam what? A They just call him Sam Pool.
Q So that leaves us with a Pool child still? A He goes in his step-father's name. Betsy died before there was any roll made and this woman, Nancy, was left a child with some Cherokees, ~~and this~~ with ~~I~~ ~~she~~ Jack Miller.

The tribal rolls of citizens of the Cherokee Nation examined and the name of Pool not found thereon.

COM'R BRECKINRIDGE:--The applicant applies for the enrollment of an orphan child in her ~~charge~~ charge, the name of which child is Louis A. Pool. The mother of the child appears to have died some four or five years ago. She cannot be identified on any roll, but her name in 1880 cannot be satisfactorily established at this time. It appears that she is a half brother, related on her mother's side, to one Stephen Blackhawk, who is duly identified on the roll of 1880 and has been enrolled. Reference is made to his case ~~in connection w~~ #419, in connection with this. For the further consideration of this application, Louis A. Pool, will be listed for enrollment as a Cherokee Freedman on a doubtful card and the applicant is desired to supply the Commission with a certificate of its birth.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 25th day of April, 1901.

Commissioner.

7B. J.T. [illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 22 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 22 1901

Post Office Vian I.T.

District Ill

1. Name — Age

Owner's name — Citizenship

Year — Page — No. — District

Parents:

Father — Citizenship

Mother — Citizenship

2. Name of wife — Age

Owners name — Citizenship

Year — Page — No. — District

Parents:

Father — Citizenship

Mother — Citizenship

Names of Children:

1.	Lewis A Pool	Year	Page	No.	Dist.
4.		Year	Page	No.	Dist.
5.		Year	Page	No.	Dist.
6.		Year	Page	No.	Dist.
7.		Year	Page	No.	Dist.
8.		Year	Page	No.	Dist.
9.		Year	Page	No.	Dist.
10.		Year	Page	No.	Dist.
11.		Year	Page	No.	Dist.
12.		Year	Page	No.	Dist.

5yrs.

Application made by Peggie Wiggins — Stenographer Herson J. O

(1) Copy of Birth to be supplied.

DEPARTMENT OF THE
OFFICE OF THE FIVE C
FILED
APR 27 1991
ACTING CHAIRMAN

To be filed with the case of Louis A. Pool, D.#144.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., April 13th, 1901.

In the matter of the application of Stephen Blackhawk for enrollment as a Cherokee Freedman. He being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Stephen Blackhawk.
Q What is your post office? A Sallisaw.
Q What district do you live in? A Sequoyah.
Q Do you apply for enrollment as a Cherokee Freedman? A Yes, sir.
Q Have you ever applied for enrollment as a Freedman of any other tribe or Nation? A No, sir.
Q Have you always been recognized as a Freedman by the Cherokee authorities? A Yes sir.
Q Is your name on the Cherokee rolls? A Yes, sir.
Q Who do you want to have enrolled besides yourself? A Just myself
Q What was your father's name? A Blackhawk.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Betsy Balckhawk.
Q Is she living? A No, sir.
Q Have you no wife or children? A No, sir. My wife is a Cherokee by blood.

The 1880 Authenticated roll of the Cherokee Nation examined and the applicant identified thereon as follows-
Page 511, No. 290, Stephen Blackhawk, Illinois District.
The 1896 Census roll of the Cherokee Nation examined and the applicant identified thereon as follows-
Page 1121, No. 14, Steve Blackhawk, Sequoyah District.

Q How long have you lived in the Cherokee Nation? A Ever since peace was declared.
Q Always have lived here? A Yes, sir.
Q Your wife you say is a Cherokee by blood? A Yes, sir.

By Com'r Needles,-
The name of Stephen Blackhawk appears on the authenticated roll of 1880 and the census roll of 1896. He is duly identified according to the page and number of the roll as indicated in the testimony, and makes satisfactory proof as to residence, consequently he will be listed for enrollment as a Cherokee Freedman.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.
(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 13th day of April, 1901, at Fort Gibson, I. T.
:SEAL.: (Signed) M. D. Green,
N. P.

---oooOOOooo---

J.O.Rosson, being first duly sworn as stenographer to the Commission to the Five Civilized Tribes, says that the above and foregoing is a true and correct copy of the testimony and proceedings in the case of Stephen Blackhawk; said original transcript having been made by Chas. von Weise as Stenographer.
Subscribed and sworn to before me this 27th day of April, 1901.

Commissioner.

IN RE

Application for Enrollment of

INFANT CHILD

Lewis A. Pool

as a citizen of

Choctaw Nation.

Approved, Sept 13 1901

C. R. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 13 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE: Application for Enrollment, as a citizen of the Cherokee Nation,
of Lewis A. Pool, born on the 12" day of July, 1895
Name of Father: Charlie Pool, a citizen of the United States Nation.
Name of Mother: Nancy Pool, a citizen of the Cherokee Nation.
Post-office: Vian, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Peggy Wiggins, on oath state that I am 37 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Mitchell Wiggins, who is a citizen, by W. Stats, of the United States ~~Nation~~, that a male child was born to ~~me~~ Nancy Pool on the 12" day of July, 1895, that said child has been named Lewis A. Pool, and is now living.

Peggy J. Wiggins

WITNESSES TO MARK
(Must be two Witnesses.)

Subscribed and sworn to before me this 18" day of April, 1901.

J. P. Bledsoe, NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Cynthia Blackwell, a midwife, on oath state that I attended on Mrs. Nancy Pool, wife of Charlie Pool, on the 12" day of July, 1895, that there was born to her on said date a male child, that said child is now living and is said to have been named Lewis A. Pool.

Cynthia his x mark Blackwell

WITNESSES TO MARK
(Must be two Witnesses.)
Henry Alberd
Ellis Rogers

Subscribed and sworn to before me this 18" day of April, 1901.

J. P. Bledsoe, NOTARY PUBLIC.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 13 1901

ACTING CHAIRMAN.

United States of America
Northern District
Indian Territory

Personally appeared before me a Notary Public for the above named District Charley Pool to me personally and well known to be after being duly sworn deposes and says that I am the father of Lewis Crosby Pool who is now 5 years old his mother is dead. I hereby give my consent for Peggy Wiggins to adopt said child and do this day give her all my interest in said child

his
Charley + Pool
mark

witness sig
J. F. Taylor
J. P. I. T.

Subscribed and sworn to before me this 4 day of April 1901

W. R. Wright

"Yes. A Sikh came to the door. He said that the letter had been left at the house by a tall man with a beard. Mr. Wilde was out of town and I could not find out anything about the man. I gave the letter to my master."

"Yes, I know it, and John Cutler."

"Yes, he knows it, and John Cutler."

"Yes, I know it, and John Cutler."

"Yes. A Sikh with a beard. Mr. Wilde was out of town and I could not find out anything about the man. I gave the letter to my master."

"Yes, I know it, and John Cutler."

"Yes, he knows it, and John Cutler."

"Yes. A Sikh with a beard. Mr. Wilde was out of town and I could not find out anything about the man. I gave the letter to my master."

File in Chero. Freed.D-144.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 7, 1902.

In the matter of the application of Lewis A Pool.

SUPPLEMENTAL TESTIMONY.

Andy Crossland, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Andy Crossland.
Q How old are you? A About seventy-five.
Q What is your postoffice address? A McKey.
Q Do you know this child, Lewis A. Pool? A Yes sir.
Q Did you know his father? A Yes sir.
Q What was his father's name? A Charley Pool.
Q Is he living or dead? A He is living.
Q Is he a Cherokee or state man? A State man.
Q What is the child's mother's name? A It was Nan Cockrum before he married her.
Q Did she have any other children besides this Lewis A Pool? A Three more.
Q What are their names? A Sam Pool, his step-son; that is the oldest one; one is Eli.
Q Is Nancy the mother of these children? A Yes sir all of them.
Q About how old are they? A Sam is 19 years old.
Q How old is Eli? A He is 16.
Q Did she ever have a child named Stephen Blackhawk? A No, that is brother and sister - Blackhawk.
Q Was that Nancy's brother and sister? A Yes sir.
Q Same father and mother? A Yes sir.
Q Is Nancy living or dead? A Dead.
Q How long did she die? A Died five years ago.
Q Had you known her ever since she was born? A Yes sir, me and her are two brothers' children.
Q How are you related to Nancy? A Me and Nancy are two brothers' children.
Q Are you a recognized citizen, is your name on all the rolls? Yes sir.
Q On the 1880 roll? A Yes sir.
Q Where was Nancy living when the '80 roll was made? A After the war when the master came back her "grandy" was living in the Choctaw Nation and he come after her. They come over here; they stayed out two years in the Choctaw Nation and that is the reason they are not on the '80 roll.
Q Is that the reason Nancy aint on the '80 roll? A Yes sir.
Q How old would she be if she were living now? A Pretty close to about thirty years old.
Q When did her father and mother die? A Father died way before the war.
Q When did her mother die? A About fifteen years ago.
Q Was Nancy's mother a Cherokee freedman? A Yes, Cherokee darkey, Cockrum darkey.
Q What was Nancy's mother's name? A Betsy.
Q Betsy what? A Betsy Cockrum.
Q Now this Steve Blackhawk wasn't he down in the Choctaw Nation with Nancy and her mother? A Yes, but Steve come back before Nancy did.
Q How long after the war did Nancy come here? A He come on this side just after peace was made; he stayed out about three or four years on this side; when "grandy" died they come after her.
Q They stayed two or three years in the Choctaw Nation?
Q You mean to say by that, Nancy didn't get back to the Cherokee Nation until three or four years after the war? A He come back after the war; he stayed out on this side directly after the war; he stayed about four or five years on this side.
Q And that she went back to the Choctaw Nation? A Yes, went back to the Choctaw Nation.

Q How long did she stay in the Choctaw Nation? A About two years.
Q Then where did she go? A Came back on this side and stayed with me.
Q Then did she stay here until she died? A She died at my house, right at home.
Q Did Nancy draw any money? A She drawed on the Wallace Roll I think.
Q What was her name at that time? A Nancy Pool.
Q Was she ever married more than once? A Just once that is all, Charley Pool.
Q What was her name before she married Pool? What name did she go by? A Nancy Cockrum. ######

The Wallace Roll examined for the name of Nancy Pool and her name is not found thereon.

A Nancy's daddy's name was Blackhawk.
Q Was Nancy's father named Blackhawk? A Yes sir.
Q Did they ever call her Blackhawk? A I don't know. She used to go by her master, Cockrum.

The Wallace Roll examined again and the name of the applicant's mother is found on page 100, No. 2149, Nancy Black Hawk, Sequoyah District.

Q Who is Sampson Williams, did she have a child by that name? A Yes sir, Sam Williams; Charley Pool's stepson; that is the oldest boy he has got.
Q Are you sure Nancy drew this Kern Clifton money? How long has Nancy been dead? A About five years.

The Kern Clifton Roll examined for the names of Nancy Pool and Sampson William, her child, and their names not found thereon.

Q Is Sam living now? A He is with me.
Q Has he been enrolled? A No sir.
Q Have you been enrolled? A Yes sir.
By W. W. HASTINGS, CHEROKEE REPRESENTATIVE:
Q What, was Lewis Pool's mother's name Nancy? A Yes.
Q Now about how old would Nancy be now if she were living, do you think she was born before the war? A O, yes, she was born before the war.
Q About how old was Nancy when the war come up, the mother of Lewis Pool, about how big was she, was she grown? A She was just a little-when we went to go South she was just about four years old.
Q Well Nancy was about four years old when you went South? A Yes.
Q Well did she stay down in the Choctaw Nation when she came back? When she came back she was with her mother.
Q What was Nancy's mother's name? A Betsy Cockrum
Q When did Betsy Cockrum die? A I couldn't tell you.
Q After the war? A Yes, after the war.
Q Where did she die? In what district; did she die in the Choctaw Nation or Texas? A In the Choctaw Nation when mother was living there, she come after her.
Q Now Betsy, the mother of Nancy, died in the Choctaw Nation? A Yes.
Q How long after the war was it she died down there? A She stayed on this side about two years; she stayed there one year at Judge Miller before she went back to the Choctaw Nation; she come with allthose Gunters when they come back from Texas; she stayed out five years on this side you know.
Q Nowwhen did she die in the Choctaw Nation, how long after the war, about five years or ten? A Longer than that; ten years. She stayed there about five or six years on this side, Jack Miller one year and Blue Baldridge two years.
Q Did George Baldridge know when Nancy come back, the mother of this boy? A

A Yes, he knows it, and John Gunter.
Q John E. Gunter? A Yes.
Q Both of them know when the mother of this boy come back? A Yes.
Q They were living down there? A Yes, he come with Blue Baldridge;
Q He was George Baldridge's father? A Yes sir, he used to belong to Betsy. They all come together and Betsy's mother died.
Q Do you know what year they come back after the war? A Yes.
Q What year? A I couldn'ttell you what year they come back. My wife she went with them and I went after them and I come across all of them together on this side; that was John Gunter's place she was staying.

I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

[signature]

DEC 1 1904
COMMISSIONER FIVE TRIBES.

Cherokee Freedmen D 144.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., July 26, 1904.

Supplemental proceedings had in the matter of the application for the enrollment of Lewis A. Pool as a Cherokee freedman.

It appears that on July 5, 1904, Peggie Wiggins and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 27, 1904, and then and there introduce further testimony in this case, touching the points mentioned in said letter. Said Peggie Wiggins appearing on this day, this case was taken up by agreement of the parties concerned.

APPEARANCES:
Applicant appears by Peggie Wiggins.
Cherokee Nation by its representative, L. B. Bell.

PEGGIE WIGGINS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Peggie Wiggins.
Q How old are you? A I couldn't tell you exactly.
Q Make a guess at it? A About 41 or '2, I guess.
Q What is your postoffice address? A Vian.
Q On April 22, 1901 you applied to this Commission for the enrollment of Louis A. Pool as a Cherokee freedman? A Yes, sir.
Q Do you know how that child's name is spelled? A L-o-u-i-s P-o-o-l.
Q What is the name of that child's mother? A Nancy.
Q Nancy pool? A Yes, sir.
Q Is she alive? A No, sir, she is dead.
Q How long has she been dead? A She died the same week of the last payment of the colored freedmen.
Q Along about 1897? A Yes, sir.
Q Was she a Cherokee freedman? A Yes, sir.
Q What is the name of that child's father? A Charley pool.
Q Is he living? A Yes, sir.
Q Is he a Cherokee freedman? A ~~Yes, sir.~~ No, sir.
Q State man, is he? A Yes, sir.
Q Is Lewis A. Pool living now? A Yes, sir.
Q With you? A Yes, sir, I raised him.
Q Where are you living? A Vian.
Q You are a Cherokee freedman? A Yes, sir, I don't know nothing else.
Q When did you first get acquainted with Nancy Pool? A When we were little chi ldren.
Q Before the war? A No, sir, since the war.
Q You didn't know her before the war? A No, sir.
Q You don'tknow anything about whether Nancy was the slave of a Cherokee ~~freedman~~ citizen before the war? A They belonged to the Baldridge's.
Q That is what you heard? A No, sir, her young master lives in Muldrow.
Q You just know what he said? A Yes, sir.
Q You were not born before the war? A I wasn't big enough to know anything; I was a baby, I guess; Mr. John Baldridge said he knowed her.

Q Have you got any witnesses here who can testify as to whether Nancy was a slave before the war? A Old man Andy Croslin was to be in; she was his niece; he knows.
Q Have you any witnesses here at all? A No, sir, but myself; I knew she was a citizen, because we were raised together; didn't know anything else.
Q Since you first knew this Nancy has she always lived in the Cherokee Nation up to the time of her death? A Yes, sir, she was raised this side of Fort Smith.
Q Who was her father? A Hawk, I believe; Stever Blackhawk is his brother.
Q Was he a freedman? A Yes, sir.
Q What was Nancy's mother's name? A She used to go by the name of Benge, and the Benge's sold her to the Baldridge's.
Q She was also a Cherokee freedman? A Yes, sir, always was.
Q Both of Nancy's parents are dead? A Yes, sir.
Q What name did Nancy go by before she married Pool? A Nancy Baldridge.
Q Do you know what district she lived in? A Sequoyah District.
Q All the time until she died? A Yes, sir.
Q And she only went by the names of Nancy Baldridge and Nancy Pool? A Yes, sir.
Q Do you know about when she was married to Charley Pool? A No, sir.
Q About how many years ago? A It has been about 14 or 15 years ago, I guess.
Q Do you know whether Nancy's name appears upon the 1880 Cherokee roll? A No, sir, she was small and how could her name need to appear; her mother died, and left her with some fullblood Cherokees and they never did enroll the child.
Q Does her name appear upon any of the rolls? A Yes, sir, Wallace roll; after she got grown she enrolled herself on the Wallace roll.
Q In what district? A Sequoyah.
Q Under what name, Pool? A Yes, sir, one boy named Sammie and one named Linkum and Eli and Louis is the baby/ and they gave me Louis after his mother died.
Q They are brothers of this Louis, are they? A Yes, sir.
Q They have the same mother and father? A Yes, sir.
Q Have those boys applied for enrollment as Cherokee freedmen? A Yes, sir, after their mother died, they just couldn't do any good.
Q They have applied to this Commission for enrollment ? A Yes, sir, old man Croslin had them.
Q But Samuel, Linkum and Levi, they have never applied , have they? A No, sir, they aint to say grown.
Q And they have never made application to be enrolled? A No, sir, their Uncle Andy Croslin did.
Q What name did he give them? A Pool.
Q He applied for them under the name of Pool? A Yes, sir, the same time I did.
Q How old is the oldest one of these children? A I couldn't tell you how old.
Q About how old? A I guess about 21 or '2 years old, I aint sure.

Commission: The records of the Commission examined and fail to disclose that application has ever been made for the enrollment of Sam, Linkum or Levi Pool, as Cherokee freedmen, under the names given.

Q You must be mistaken? A I don't know only what he said.
Q Do you know what was done with Andy Crossland's case? A No, sir, I couldn't tell you.
Q Has Andy Crossland got any children of his own? A Yes, sir, got grown children.
Q Who is Isaac Crossland? A That is his grandson.

Q Have these older Pool children always lived with Andy Crossland since their mother died? A Yes, sir.
Q Who are Elmira, Samuel, Rosanna and Elena Crossland? A His grandchildren; Elmira is his daughter-in-law and these are her children.
Q Isaac Crossland then is the son of Andy Crossland? A No, sir, his grandson is named for him.
Q You said Elmira is his daughter-in-law? A Yes, sir, that is their mother.
Q Isaac is the husband of Elmira? A Yes, sir.
Q How many children have Isaac and Emilra got? A I don't know, sir, they got about seven or eight, I guess, I just know some of them.
Q Have they got a child named Samuel? A I couldn't tell you.
Q Have they got a child named Linkum? A I couldn't tell you, they have got so many; I live in Vian district and they live in Sequoyah; of course we visit sometimes, but old man Crossland lives close to us.
Q Under what name does Nancy appear on the Wallace roll? A Under the name of Pool.

Commission: Wallace roll of Cherokee freedmen examined and Nancy Pool is not identified thereon under the name given.

Q Did Nancy ever live in Tahlequah district? A Not as I know of.
Q Who did she live with at the time the Wallace rollwas made? With old man Crossland, on his place the other side of Sallisaw.
Q Did she have any children at that time? A Yes, sir.
Q What were their names? A Sammme, Linkum and Eli.
Q What name did they go by? A Pool.

Commission: None of the parties named can be identified on the Wallace roll under the names given.

By Mr. Bell:
Q Who did your father or mother belong to before the war? A Old man George Crapo.
Q Where did you live? A In Canadian district.

o-o-o-o-o-o-o-o

(Continued until September 12, 1904).

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this 16th day of December, 1904.

Charles N. Sawyer
Notary Public.

RECEIVED
DEC 11 1914
COMMISSIONER FIVE TRIBES.

Cherokee F D-144.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., SEPTEMBER 16, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Lewis A. Poole as a Cherokee freedman.

It appears that on August 9, 1904, the applicant and the representatives of the Cherokee Nation were duly notified that the applicant would be permitted to appear before the Commission and submit further testimony in the above entitled cause, on September 12, 1904, and said cause not being reached upon that date, was continued over to September 15, 1904.

APPEARANCES:
Applicant is represented by Peggie Wiggins.
Cherokee Nation by its representative, L. E. Bell.

ANDY CROSSLAND, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A Andy Crossland.
Q How old are you? A About 76.
Q What is your post office address? A Sallisaw.
Q Do you know a colored boy by the name of Lewis A. Poole? A Yes sir.
Q Where does he live? A Sand Town.
Q Who does he live with? A Peggie Wiggins.
Q Are his parents alive? A His mother isn't, but his father is living.
Q Where does his father live? A Sand Town.
Q Does this boy live with his father? A He lives with Peggie Wiggins.
Q What relation is he to peggie Wiggins? A He is a cousin.
Q What was the name of the mother of Lewis A. Poole? A Just before the war she was named Nancy Cochran.
Q Was she a slave of a Cherokee citizen? A Yes sir, used to belong to Cochran.
Q Were the Cochrans Cherokee citizens? A Yes sir.
Q Where did Nancy Poole live at the beginning of the rebellion?
A Sequoyah District.
Q How far did you live from her at the breaking out of the war?
A About five miles.
Q Do you know where Nancy went during the war? A Jack Cochran took them down to Red River.
Q When did Nancy Poole return to the Cherokee Nation after the war? A About two years after the war.
Q What time of the year did you see her? A In Sequoyah District, close to Fort Smith.
Q About two years after the war? A Yes sir.
Q Was it in the spring or fall of the year? A Fall of the year.
Q Do you think it was about the fall of what year? A I aint certain about the fall of the year.
Q Was it in 1867 you think? A I don't know you see I couldn't read, I couldn't tell.
Q But you think it was about two years after the war? A Yes sir.
Q Who did you see Nancy Poole with? A With her mother Betsy Cochran.

Q How old was Nancy Poole at the beginning of the rebellion? A I couldn't tell, I don't know.
Q About how old? A I couldn't tell.
Q Was she a good big girl? A Yes sir, I guess about five years old
Q Did she have any brothers or sisters? A Yes sir.
Q What were their names? A She had one brother named Steve Cochran or Black Hawk.
Q Are you on the 1880 roll? A Yes.
Q What sisters did Nancy have? A Ellen Cochran.
Q Did her brother and sister return to the Cherokee Nation at the same time she did? A Yes sir.
Q All came together? A Yes sir.
Q Do you know where Nancy Poole died? A Yes sir.
Q Where? A In Illinois District.
Q Did she live in the Cherokee Nation from the time she returned until she died? A Yes sir.
Q This Lewis Poole has always lived with Peggie Wiggins has he?
A Yes sir.

NO CROSS EXAMINATION.

----------oOo----------

H. M. Vance, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct copy of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this 16 day of December, 1904.

Charles H. Sawyer
Notary Public.

Cherokee Freedmen D-144.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 14, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Lewis A. Pool as a Cherokee Freedman.

On October 12, 1904, the applicant was notified by registered mail, and on October 25, 1904, the attorneys for the Cherokee Nation were notified by mail, that the application of Peggie Wiggins for the enrollment of Lewis A. Pool as a Cherokee freedman, would be taken up by the Commission to the Five Civilized Tribes at its offices at Muskogee, Indian Territory, on the 14th day of November, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration. Receipt has been acknowledged of the Commission's letter.

Now on this 14th day of November, 1904, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

---ooOoo---

H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 14th day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H M Vance

Subscribed and sworn to before me this 15 day of December, 1904.

Edward Sawyer
Notary Public.

Cherokee Freedman D-144.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lewis A. Pool as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on April 22, 1901, Peggie Wiggins appeared before the Commission at Fort Gibson, Indian Territory, and among others, made application for the enrollment of Lewis A. Pool as a Cherokee Freedman. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, on April 7, 1902, on July 26, September 15, and November 14, 1904. The testimony taken at Fort Gibson, Indian Territory, on April 13, 1901, in the matter of the application of Stephen Blackhawk for enrollment as a Cherokee Freedman is filed with and made a part of the record in this case.

The evidence herein shows that Mang Pool, the mother of the applicant, was the slave of a Cherokee citizen at the beginning of the war of the rebellion, and that during said war she was taken out of the Cherokee Nation, but returned to said nation along with her brother, Stephen Blackhawk, within the time specified by the Decree of the Court of Claims rendered on February 3, 1891, in the case of Moses Whitmire, Trustee etc., v. The Cherokee Nation et al., for the return of Cherokee Freedmen to said nation, and that she continuously made her home in said nation from the date of her said return until her death about the year 1897. The said Stephen Blackhawk is identified upon the 1880 Cherokee Authenticated Roll. The applicant, Lewis A. Pool, was born since the close of the re-

bellion in the Cherokee Nation and has lived all his life therein.
It is, therefore, the opinion of this Commission that Lewis A. Pool should be enrolled as a Cherokee Freedman under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

APR 22 1905

F1D1114

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Charlie Poe,
Vian, I.T.

Cherokee F-D-144
Register.

Cherokee Freedmen
D 144

Muskogee, Indian Territory, January 23, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Peggie Wiggins for the enrollment of Lewis A. Pool, the minor nephew of Stephen Blackhawk, as a Cherokee Freedman, you are advised that before the Commission can reach a final decision in this case it will be necessary that the applicant introduce further testimony as to when his mother, Nancy Pool, returned to the Cherokee Nation after the close of the war of the rebellion.

The said Stephen Blackhawk has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday March 1, 1904, and introduce testimony on the question above mentioned. The Cherokee Nation will be permitted to appear on that date and introduce testimony in rebuttal of that requested of the applicant.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 144

Muskogee, Indian Territory, January 23, 1904.

Stephen Blackhawk,

Sallisaw, Indian Territory.

Dear Sir:

In the matter of the application of Peggie Wiggins for the enrollment of your minor nephew, Lewis A. Pool, as a Cherokee Freedman, you are advised that before the Commission can reach a final decision in this case it will be necessary that further testimony be introduced as to when the applicant's mother, Nancy Pool, your sister, returned to the Cherokee Nation after the close of the war of the rebellion.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday March 1, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-144.

Muskogee, Indian Territory, July 5, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Peggie Wiggins for the enrollment of Lewis A. Pool, as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced tending to show when Nancy Pool, the mother of the said Lewis A Pool, returned to the Cherokee Nation after the close of the war.

The applicant, Peggie Wiggins, has therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at 9 o'clock A.M. on Wednesday July 27, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as may be desired in rebuttal of that offered by the applicant.

Respectfully,

Commissioner in Charge.

Cherokee Freedman

D.144.

Muskogee, Indian Territory, July 5, 1904.

Peggie Wiggins,

Vian, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of Lewis A. Pool, as Cherokee freedman, you are advised that before the Commission can render a final decision in this case, itwill be necessary that further testimony be introduced tending to show when Nancy Pool, the mother of the said Lewis A. Pool, returned to the Cherokee Nation after the close of the war of the rebellion.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at 9 o'clock A. M. on Wednesday, July 27, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Register.

Cherokee Freedmen

D-144.

Muskogee, Indian Territory, August 9, 1904.

Peggie Wiggins,

Vian, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of Lewis A. Pool as a Cherokee freedman you are advised that you will be allowed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, September 12, 1904, and introduce the testimony of such witnesses as you may desire, upon the question as to when Nancy Pool, the mother of the said Lewis A. Pool, returned to the Cherokee Nation after the war of the rebellion.

Respectfully,

Commissioner in Charge.

Register.

COPY.

Cherokee Freedmen
D-144.

Muskogee, Indian Territory, October 12, 1904

Peggie Wiggins,
Vian, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of Lewis A. Pool, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday, November 14, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,

T. B. Needles,
Commissioner in Charge

Register.

COPY.

Muskogee, Indian Territory, December 19,1904.

Bell, Hastings & Davenport,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There are herewith enclosed copies of supplemental testimony taken at Muskogee, Indian Territory, in the following Cherokee Freedman cases:

Cherokee Freedman D-979 and 980, Anna Peterson, et al.

Cherokee Freedman R-5, George Amos Mayfield, et al.

Cherokee Freedman D-[illegible]1, Elizabeth Dungan, et al.

Cherokee Freedman D-144 , Lewis A. Poal.

Cherokee Freedman D-742, David Johnson, et al.

Cherokee Freedman D-376, Joe Lynch, et al.

Cherokee Freedman D-888, Hannah Ross.

Respectfully,

Tams Bixby.
Chairman.

Encl. OG-57.

COPY.

Cherokee Freedmen

D 144.

Muskogee, Indian Territory, April 22, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, granting the application for the enrollment of Lewis A. Pool as a Cherokee freedman.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Incl. 8-22

COPY.

Cherokee Freedman
D-144.

Muskogee, Indian Territory, May 16, 1905.

Peggie Wiggins,
Vian, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, granting the application for the enrollment of Lewis A. Pool as a Cherokee freedman.

You are advised that an allotment selection can not be made for the said Lewis A. Pool until his name has been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Incl. L-109.

Cher Fr 1452

Cher Fr 1452

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Solomon Leek as a Cherokee Freedman.

-:-

Cherokee Freedmen D-909

FILED
JUL 18 1991
FIVE CIVILIZED TRIBES

DOUBTFUL, as to Child, Solomon:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 27th, 1901.

In the matter of the application of Edward Leek for the enrollment of himself and one child as Cherokee Freedmen; said Leek being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Ed Leek.
Q Edward? A Yes, sir.
Q How old are you? A 36.
Q What is your post office? A Coody's Bluff.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A I got one child.
Q What is the name of your child? A Solomon.
Q You want to apply for the enrollment of Solomon do you? A Yes? sir.
Q Where is the child? A He may be on the ground here, he stays with its grandmother.
Q Solomon Leek? A Yes, sir.
Q Is your name on the roll of 1880? A Yes, sir.
Q It is A Yes, sir.
Q What is your father's name? A Ed.
Q What is your mother's name? A Elizabeth.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 282, #1604, Ed Leek, Jr., Delaware District.

Q How old is Solomon? A Six years old.
Q Who has got Solomon now? A His mother.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 409, #278, Edward Leek, Cooweescoowee District.
Page 409, #279, Solomon Leek, Cooweescoowee District.

Q What is its grandmother's name, the grandmother that has got the child? A Mrs. Reed.
Q Is she a citizen? A I don't know.
Q Has she had the child enrolled do you know? A No, sir.
Q What was the mother's name of Solomon? A Aggie.
Q Was her name Leek before you married her? A No, sir, we wasn't married.
Q Never lived together at all? A Yes, sir.
Q Lived together as man and wife? A Yes, sir, living as Cherokees took her and took care of her.
Q Have you been married since that? A Yes, sir, the mother of this boy is dead
Q You never were married to the mother of this boy? A No, sir
Q You never lived as husband and wife? A Yes, sir, took her in the house and took care of her.
Q Had you ever been married before? A Yes, sir.
Q You have been married three times? A Yes, sir.

BY MR. W. W. HASTINGS, Cherokee Representative:
Q Well now what was your first wife's name?
A Vana she was before I married her.
Q Did a preacher marry you? A Yes, sir.
Q You lived together with her? A Lifetime.
Q Did she die? A Yes, sir.
Q And then you took up with this woman? A Yes, sir.
Q Who is the mother of this child? A Yes, sir.
Q Now, where did you live with her? A Cooweescoowee, Coody's Bluff.

Q In a house of your own? A Yes, sir, with my mother.
Q You took her to your mother's house? A Yes, sir.
Q How long did you live with her? A We was together off and on two or three years.
Q Well, continuously? A We lived 12 months.
Q Right at raight along? A Yes, sir.
Q Was this child born there? A Born on this side of the river; not right where I was living.
Q How long after you separated from her? A I wasn't exactly separated, about a month.
Q You never lived with her all along? A I wasn't on the same place all the time.
Q Did you occupy the same room with this woman?
A Yes, sir.
Q Your mother living with you at the same time? A Yes, sir.
Q Had this woman had any children by anybody else before?
A Yes, sir.
Q By whom? A I can't tell about that.
Q How many had she? A She had five or six.
Q Before that? A Yes, sir.
Q Been married to anybody before that? A Yes, sir.
Q How many times? A Only once I guess she was a widow.
Q You don't know whether her husband was dead or not?
A No, sir.
Q Well, now, do you know who she represented to be the father of these children before you went to living with her? A Not not to be positive.
Q Well, had she been keeping house with somebody before that?
A Yes, sir.
Q You know who that was do you? A He was not in his country.
Q She had those children when she came there? A Yes, sir.
Q And you don,t know what became of the father of them?
A No, sir, not positive.
Q Well, did she tell you? A She said they busted up.
Q She didn't say that he was dead? A No, sir.
Q Well, did she say that he was living? A Yes, sir.
Q What State? A In Kansas.
Q She left him up in Kansas? A Yes, sir.
Q And she come down here and you took up with her?
A Yes, sir.
Q And you lived with her occasssionally? A Yes, sir.
Q Off and on for about two or three years? A Yes, sir.
Q And this child you claim is the result of that sort of living?
A Yes, sir.

BY COM'R NEEDLES:

Q You never did marry this woman at all did you?
A No, sir, she died.
Q Did she die while you were living together as man and wife?
A No, sir.
Q Why didn't you keep her there in your mother's house?
A She was working here in Town.
Q That was after she left you? A Yes, sir.
Q You turned her aloose and let her work for herself?
A She wasn' turned aloose.
Q How far was that from town? A About four or five miles.

COM'R NEEDLES: Edward Leek applies for the enrollment of himself and his child, Solomon, six years of age. He is duly identified upon the authenticated roll of 1880 and census roll of 1896. He makes satisfactory proof as to residence and will now be listed for enrollment as a Cherokee Freedman.

The name of his child, Colomon, is found upon the census roll of 1896 and is duly identified. By reason of the facts as set forth in the testimony said Solomon will

Edward Leek, et al.--

now be listed for enrollment as a Cherokee Freedman upon a doubtful card. Applicant will be dul notified of the action of the Commission with reference to Solomon when the same is arrived at.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 13th day of July, 1901.

Commissioner.

B

30909

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 27 1901
ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 27, 1961

Post Office Cookeys Ferry, I.T.

District

1. Name — Age

Owner's name — Citizenship

Year — Page — No. — District

Parents:

Father — Citizenship

Mother — Citizenship

2. Name of wife — Age

Owner's name — Citizenship

Year — Page — No. — District

Parents:

Father — Citizenship

Mother — Citizenship

Names of Children:

3. E. Gowan Leek — Year 19 Page 4 No. 279 Dist. Cwo — 6

4. — Year — Page — No. — Dist.

5. — Year — Page — No. — Dist.

6. — Year — Page — No. — Dist.

7. — Year — Page — No. — Dist.

8. — Year — Page — No. — Dist.

9. — Year — Page — No. — Dist.

10. — Year — Page — No. — Dist.

11. — Year — Page — No. — Dist.

12 — Year — Page — No. — Dist.

Application made by Ed Leek, father, Stenographer [illegible]

Denied

Ex Dif

Cherokee Freedmen D-909.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

...

In the matter of the application of Solomon Leek for enrollment as a Cherokee freedman.

-:-

[illegible].

The record in this case shows that [illegible], Noel, Edward Leek [illegible] before the Commission [illegible], Indian Territory, on [illegible] application for the enrollment [illegible] child, Solomon Leek, a Cherokee freedman, [illegible] said Edward Leek is classified differently from Solomon Leek, it will not be embraced in this decision.

The evidence herein shows that Edward and one Angie Leek, deceased, are the parents of the applicant, Solomon Leek, and that said Edward Leek has continuously resided in the Cherokee Nation since 1880, and is identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896; that said Solomon Leek was born in the Cherokee Nation about 1895, resided therein for several years thereafter, and is identified on the Cherokee census roll of 1902.

It does not affirmatively appear that [illegible] Solomon Leek is now residing in the Indian Territory, but it is claimed [illegible] legal residence is that of his father, Edward Leek, and it is considered that so long as the said Edward Leek retains his present status, the rights of said applicant, Solomon Leek, to citizenship in the Cherokee Nation, [illegible] unaffected during his minority.

It is, therefore, the opinion of this Commission that Solomon Leek should be enrolled as a Cherokee freedman, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

APR 24 1905

FILED
MAR 24 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Solomon Leek,
Coodys Bluff, I. T.
Cherokee F-D-909
Register.

Cherokee Freedman
D-201.

Muskogee, Indian Territory, July 21,1902.

Ed Leek,

Geodys Bluff, Indian Territory.

Sir:-

In the matter of your application for the enrollment of the minor child, Solomon Leek, as a Cherokee Freedman, you are required to appear before the Commission at its office in Muskogee, Indian Territory, and submit testimony in regard to the citizenship of the deceased mother of the said Solomon Leek.

You will be allowed until August 10,1902 within which to comply with this requirement.

Very respectfully,

Commissioner in Charge.

Register.

Cherokee Freedmen
D 909

Muskogee, Indian Territory, January 23, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of Edward Leek for the enrollment of his minor child, Solomon Leek, as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the residence of Edward Leek in the Cherokee Nation since the close of the war of the rebellion; also as to the residence of the said minor child since its birth.

The said Edward Leek has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday March 1, 1904, and introduce testimony as above requested. The Cherokee Nation will be permitted to appear on that date and introduce testimony in rebuttal of that requested of the applicant.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 909

Muskogee, Indian Territory, January 23, 1904.

Edward Leek,

Coody's Bluff, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of your minor child, Solomon Leek, as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to your residence in the Cherokee Nation since the close of the war of the rebellion; also as to the residence of this child since its birth.

You are, therefore, directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday March 1, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

Cherokee Freedman
D 909

Muskogee, Indian Territory, March 15, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of a letter from Edward Leek stating that he is unable to introduce fruther testimony, in accordance with the Commission's request of January 23rd, in the matter of his application for the enrollment of his child, Solomon Leek, as a Cherokee Freedman. The applicant has this day been advised that the testimony required is simply as to his residence and that of said child and he has been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday April 6, 1904, and introduce testimony as above indicated.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 908

Muskogee, Indian Territory, March 15, 1904.

Edward Leek,

Nowata, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 11, acknowledging receipt of the Commission's notice to you of January 23rd, to appear on March 1 and introduce further testimony in the matter of your application for the enrollment of your minor child, Solomon Leek, as a Cherokee Freedman. It is noted that you state that you are unable to secure further testimony and ask that a decision be rendered in the case on the testimony now of record.

In reply your attention is called to the fact that the testimony requested of you is as to the residence of yourself in the Cherokee Nation since the close of the war of the rebellion; also as to the residence of your said child, Solomon Leek, since his birth. There is no reason to believe that you can not give further testimony as to your own residence and as to your minor child whom you state is now living with his grandmother. The testimony of yourself and the grandmother would be acceptable to the Commission.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday April 6, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedmen

D-909.

Muskogee, Indian Territory, April 24, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 24, 1905, granting the application for the enrollment of Solomon Leek as a Cherokee freedman.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Incl. 8-57

COPY.

Cherokee Freedman
D-909.

Muskogee, Indian Territory, May 16, 1905.

Solomon Leek,

Coody's Bluff, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 24, 1905, granting the application for your enrollment as a Cherokee freedman.

You are advised that you will not be permitted to make an allotment selection until your name has been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

(signed) Tams Bixby
Chairman.

Incl. L-99.

Cher Fr 1453

Cher Fr 1453

DEPARTMENT OF THE INTERIOR ,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

Bessie Birdsong as a Cherokee Freedman.

Cherokee Freedmen D-1335

Morning Express

Sept. 3, 1908.

Superior Court Judge Lawrence H. Cooke has been appointed by Governor Gillett to succeed the late Judge Frank A. Wheeler of the Superior Court, to fill the vacancy caused by the death of Judge Wheeler.

Judge Cooke is a native of Hartford and has been a member of the bench for the past two years. He is a graduate of Yale and Harvard Law School and has been a member of the Hartford County Bar for many years. He is a member of the Hartford Club, the Hartford Golf Club, the Hartford Country Club and the Hartford Yacht Club. He is also a member of the Phi Beta Kappa society and the Sigma Xi society. He is a member of the Hartford Bar Association and the Hartford Bar Association Committee on Judicial Nominations.

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Hartford Courant, Sept. 3, 1908.

Judge Cooke's Nomination.

Governor Lucius F. Lippitt has made a wise nomination in the appointment of Judge Lawrence H. Cooke to succeed the late Judge Frank A. Wheeler of the Superior Court. Judge Cooke is a native of Hartford and has been a member of the bench for the past two years. He is a graduate of Yale and Harvard Law School and has been a member of the Hartford County Bar for many years. He is a member of the Hartford Club, the Hartford Golf Club, the Hartford Country Club and the Hartford Yacht Club. He is also a member of the Phi Beta Kappa society and the Sigma Xi society. He is a member of the Hartford Bar Association and the Hartford Bar Association Committee on Judicial Nominations.

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R
Cher Freed

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 25, 1902.

In the matter of the application of BESSIE BIRDSONG, for the enrollment of herself as a Cherokee Freedman:

BESSIE BIRDSONG, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Bessie Birdsong.
Q How old are you ? A Eighteen years old.
Q Do you make application for the enrollment of yourself as a Cherokee Freedman ? A Yes sir.
Q What is the name of your father ? A Dempsey Beck.
Q Is he living ? A No sir, he's dead.
Q What is the name of your mother ? A Liza Elsey.
Q Is she living ? A Yes sir.
Q Was your father a Cherokee Freedman ? A Yes sir.
Q What is your mother, a State woman ? A Yes sir.
Q Do you apply for anyone besides yourself--have you any children ?
A No sir, I have none; just myself.
Q What is your post office address ?
A Clarksville is my post office address.
Q Is that in the Creek Nation ? A Yes sir.
Q Where were you born ? A Fort Gibson.
Q How long have you lived in the Cherokee Nation ?
A I have been there all my life.
Q How long have you been living in the Creek Nation ?
A I just moved there last January.
Q Have you ever drawn any money as a Cherokee Freedman ?
A Yes sir.
Q When ? A Not this last one.
Q Did you ever draw any ? A The one before the last one.
Q The Wallace payment ? A Yes sir; the one before the last.
Q Have you any brothers ? A Yes sir, I have one.
Q Older or younger than you ? A Older.
Q Any sisters ? A Yes sir, one.
Q Is she living ? A Yes sir.
Q Is she older than you ? A No sir, she's younger.
Q Has she been enrolled by this Commission ? A Yes sir.
Q When ? A Last spring when you were at Fort Gibson.
Q What is her name ? A Mandy Beck.
Q What was your mother's name ? A Liza Elsey.
Q Ever have any other name ? A Eliza Beck.
Q Ever known by any other name ? A No sir, that's all.
Q Your sister and yourself have the same father and mother ?
A Yes sir.
Q Did you ever know a woman by the name of Eliza Shepherd ?
A My mother went by the name of Eliza Shepherd before she was married.
Q Why didn't you draw at the last payment ? A I don't know; my mother somehow or another didn't look after it. I didn't draw at all. My sister drawed. She never did work after it nor nothing. I never did get anything at all.
Q What is the name of your brother ? A George White.
Q He had a different father ? A Yes sir.
Q Did you ever have any other brother's ?
A Yes sir, Alex Beck.
Q Is he living or dead ? A He's living; he's only a half-brother.
Q Who were you living with when this Wallace money was paid ?
A I was staying with mama
Q What name was she going by at that time ?

A My papa was living then.
Q Who were you living with ? A With my father and mother.
Q How long has your father been dead ? A He has been dead about ten years, I think.
Q How long has your mother been named Elsey ?
A Well she married him in 1894.

The Commission: It appears from the authenticated Cherokee roll of 1880 that the applicant's father is identified thereon at page 502, # 69, as Denice Beck, Illinois District;

Q Is there anybody here who knows anything about the marriage of your father and mother ? A No sir. She was aiming to come today.
Q Who is Rachel Ward ? A My auntie.
Q A full sister of your father ? A Yes sir.
Q Who were you living with when this strip money was paid out ?
A My mother.
Q What was her name then ? A Eliza Elsey.

Examined by W. W. Hastings:

Q Where does your mother live ? A She stays four miles this side of Fort Gibson.
Q On this side of the river ? A No sir, on the other side.
Q How old are you ? A Eighteen.
Q Are you married ? A Yes sir.
Q Why didn't you apply over there at Fort Gibson while we were there ? A Well, I don't know; my mother never did seek into it; she's an uneducated person, and after she seen I didn't get on she didn't pay any attention to it, and after I have got on up in age I think I ought to get on too. My sister got on so easy and all, and I thought I would try.
Q And your name has never been on any of the rolls ?
A Yes sir, I drawed one time.
Q You say you had an older brother ? A Yes sir.
Q Same father and same mother ? A No sir, not the same father, but the same mother.
Q How about the younger one, the same father and same mother ?
A Yes sir. The same father and mother too.
Q Do you know when your father and mother were married ?
A No sir.
Q You don't know ? A No sir.
Q Never heard them say ? A No sir, I never heard them say.
Q What name did you always go by before you were married ?
A Bessie Beck.
Q Known by everybody by that same name ? A Yes sir.
Q Where were you born ? A Fort Gibson.
Q Always lived right there ? A Yes sir, been there all my life.
Q Why is it you say you didn't apply when we were there for two long months ? A My mother didn't seek into it nor nothing, and I thought whatever she done was right, and so she didn't and I didn't either.
Q How long has your father been dead ? A About ten years.
Q Where did he die ? A Near Fort Gibson. Fort Gibson is our post office.
Q You have but one younger brother or sister ?
A Have one brother and one sister. The brother is older than I am and my sister is younger than I am. I have another brother named Alex Beck, and another one, not a full brother, named George White.
Q What is your mother's name ? A Liza Elsey. That's her name now.

The Commission: Applicant's father is identified on the Wallace roll of Cherokee Freedmen, on page 45, # 949, as Demps Beck, Illinois District; Applicant is not identified on any of the tribal rolls of the Cherokee Nation now in the possession of the Commission.

Final judgment as to the application of Bessie Birdseng for the enrollment of herself as a Cherokee Freedman will be suspended, and her name will be placed upon a doubtful card awaiting further consideration by the Commission.

Applicant will be allowed thirty days from the date hereof in which to furnish the Commission with such additional evidence as she may deem necessary.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this September 2, 1902.

B. O. Jones
Notary Public.

ZD1335

COMMISSIONER
4 1902

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Aug 5 1907

Post Office Clarksville I. T.

District Creek Nation.

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Bessie Birdsong Age 18

Owners name Citizenship

Year Page No. District

Parents:

Father Jackson Beck - dead Citizenship Freedman

Mother Nancy (Colsey) - living Citizenship Creek Nat'n.

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Stenographer

Denied

Cherokee Freedmen D-1335.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Bessie Firebone as a Cherokee Freedman.

-:0:-

O R D E R .

It is ordered that copies of the testimony taken at Fort Gibson, Indian Territory, April 9, 1901, in the application of Rachel Ward for the enrollment of Amanda Beck as a Cherokee freedman, Case C.F. No. 296, in files this, be made a part of the record in the application of Bessie Firebone for enrollment as a Cherokee freedman, Case No. C. F. D-1335.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Commissioner

Muskogee, Indian Territory.

NOV 22 1904

File with Cherokee Freedmen D-1335.

Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I.T., April 9, 1901.

In the matter of the application of Rachel Ward for the enrollment of Amanda Beck as a Cherokee Freedman; said Rachel Ward being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Rachel Ward.
Q You apply for the enrollment of Amanda Beck? A Yes,sir.
Q How old is Amanda Beck? A About 11 years old.
Q Amanda Beck living with you? A No sir, she aint living with me, I am guardian for her.
Q What is her postoffice address? A Fort Gibson.
Q What was her mother's name? A Eliza Sheppard.
Q IS her mother living? A Yes,sir.
Q What is her father's name? A Dence Beck.
Q Her father living? A He's dead.
Q You are the legal gurdian of this child? A Yes,sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the child's father found on page 502, No. 79, Denice Beck, Illinois District.

Q Is Eliza Sheppard living? A Yes,sir.
Q What would be her name when she was a child on the roll of 1880
A She aint never been on any roll.
Q Is she not a citizen? A No, sir.
Q Dence Beck was a citizen? A Yes,sir
Q Was he married to Eliza? A Yes,sir
Q Have you any proof of their marriage? A Nobody, but persons.
Q You know they were married? A No, sir, I wasn't at the marriage; I know they were married.
Q Did they live together as mana and wife? A Yes,sir, until he died.
Q You knew them? A Yes,sir
Q They were living together at the time of his death? A Yes,sir
Q Were they living together at the time Amanda was born?
A Yes,sir.
Q Were they generally acknowledges in the neighborhood in which they lived as man and wife? A Yes,sir.
Q Was she ever called anything but Beck? A No, sir.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of Amanda Beck is not found of record thereon.

Q Never was called Amanda Sheppard? A No, sir.
Q Who raised this child, its mother? A Yes,sir
Q And she is still alive? A Yes,sir
Q Is she here? A Yes,sir.
Mr. W. W. Hastings:
Q Has she married since? A Yes,sir
Q What is her name now A Eldry now.

Commissioner:
Q Did the mother raise this child? A Yes,sir.
Q Has the mother got this child now? A Yes,sir
Q Why didn't the mother enroll this child? A She didn't know whether she could; she couldn't draw its money.
Q Did you draw the strip money for this child? A Yes,sir.

The Kerns-Clifton Pay Roll of the Freedmen of the Cherokee Nation examined and the name of Amanda Beck appears on page 74, No. 1854, Amanda Beck, Illinois District.

The applicant applies for the enrollment of her ward Amanda Beck. She avers she is the child of Dence Beck, a Cherokee Freedman, and the name of Dence Beck is found upon the authenticated roll of 1880; satisfactory proof is made as to his marriage to the mother of Eliza, one Eliza Sheppard, and the name of Amanda is not found upon the census roll of 1896, but is found upon the pay roll of 1894. She is duly identified and makes satisfactory proof as to residence, consequently Amanda Beck will be listed for enrollment as a Cherokee Freedman.

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The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger

Subscribed and sworn to before me this 10th day of April, 1901.

(Signed) M. D. Green
Notary Public

(S E A L)

-o-o-o-o-o-o-1-o-o-o-o-o-o-o

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full and correct copy of the original transcript, now on file with the Commission.

Lucy M. Bowman

Subscribed and sworn to before me this 22nd day of November 1904.

W Campbell
Notary Public.

Cherokee Freedmen D-1335

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Bessie Birdsong as a Cherokee Freedman.

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D E C I S I O N.

The record herein shows that on August 25, 1902, Bessie Birdsong appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Cherokee Freedman. A copy of the testimony taken at Fort Gibson, Indian Territory, April 9, 1901, in the application of Amanda Beck for enrollment as a Cherokee freedman, case No. 295, is filed herewith and made a part of the record in this case.

The evidence herein shows that one Dempsey Beck, deceased, a Cherokee Freedman, and who is duly identified on the Cherokee authenticated tribal roll of 1880, is the father of the applicant, Bessie Birdsong; that the said Bessie Birdsong, nee Beck, was born since 1880, and has continuously lived in the Cherokee Nation since birth.

It is, therefore, the opinion of this Commission that Bessie Birdsong should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

C. R. Breckinridge.
Commissioner

Muskogee, Indian Territory,
APR 10 1905

JC

Cherokee F-1453.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE.
Tahlequah, I. T., August 24, 1905.

In the matter of the application for the enrollment of Bessie Birdsong as a Cherokee Freedman. No. F-1453.

JAMES VANN, being duly sworn by Joe Chambers, a Notary Public, and examined on behalf of the Commissioner, testified as follows:----

Q What is your name? A Jim Vann.
Q How old are you? A About 45.
Q What is your post-office? A Fort Gibson.
Q Are you a Cherokee Freedman? A Yes sir.
Q What is the name of your father? A Daniel Vann.
Q And your mother? A Lottie Vann.
Q Have you married since you were enrolled? A Yes sir.
Q What is the name of your wife? A Bessie Birdsong.
Q What is the name of her father? A Dempsey Beck.
Q And her mother? A Liza Elsey, I guess.
Q Your marriage license and certificate show that you were married on the 19th day of January, 1905. Is that correct?
A Yes sir.
Q Did they make a mistake in the marriage license in the name of your wife? A Yes sir. They made a mistake in putting it "Birdsow". Birdsong is correct.
Q Are you and she living together now? A Yes sir.

Joe Chambers, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he correctly recorded the testimony in this case, and that the above and foregoing is a true and complete copy of his stenographic notes.

Joe Chambers

Subscribed and sworn to before me this 25th day of August, 1905.

William P. Drew
Notary Public.

JC

COPY

Cherokee Freedmen
D 1335.

Muskogee, Indian Territory, November 23, 1904

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the testimony taken at Fort Gibson, Indian Territory, on April 9, 1901, in the matter of the application for the enrollment of Amanda Beck as a Cherokee freedman, together with an order of the Commission signed by Tams Bixby, and dated November 22, 1904, making the same a part of the record in the matter of the application for the enrollment of Bessie Birdsong as a Cherokee freedman.

Respectfully,

Tams Bixby.
Chairman.

Enc. D-2.

COPY.

Cherokee Freedman

D-1335.

Muskogee, Indian Territory, April 19, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 19, 1905, granting the application for the enrollment of Bessie Birdsong as a Cherokee freedman.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-16

COPY.

Cherokee Freedman
D-1335.

Muskogee, Indian Territory, May 16, 1905.

Bessie Birdsong,

Clarksville, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 19, 1905, granting the application for your enrollment as a Cherokee freedman.

You are advised that you will not be permitted to make an allotment selection until your name has been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. L-108.

Cher Fr 1454
Trans. from Cher Fr D 448

Cher Fr 1454

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alsea Bean et al.,
for enrollment as Cherokee Freedmen.

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Cherokee Freedmen D 448.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. May 31st 1901.

In the matter of the application of Alsea Bean for the enrollment of herself, her husband, six children and two grand children. She being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A. Alsea Bean
Q How old are you? A. 44.
Q What is your post office address? A. Chelsea.
Q Do you live in Cooweescoowee district? A Yes sir.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir
Q Do you want to apply for anybody besides yourself? A. My children.
Q How many? A Six.
Q Are they all under twenty-one years of age. A One is near 24 years old.
Q You will have to leave that one out, and let it apply for itself. A She has fits, and can't come here at all.
Q Well you can apply for her then. Are the others under 21 years of age and un-married? A. Yes sir.
Q Is the daughter that has fits, un-married? A Yes sir.
Q Have you a husband? A. Yes sir.
Q Is he living? A. Yes sir.
Q Do you want to apply for him? A. I dont know as you will allow me to.
Q If he is entitled to we will not only allow it, but insist upon your doing it. A Yes sir.
Q Well you apply for him then do you? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. Ever since 'ee.
Q Did you leave the Cherokee Nation when the war broke out? A. Yes sir.
Q Where were you born? A. Born here.
Q Give me your father's name? A. Ruben Downing.
Q Is he dead? A. Yes sir he is dead.
Q How long has he been dead? A. 12 years, as near as I can come at it.
Q Give me your mother's name? A. Jennie Downing.
Q Is your mother dead? A Yes sir.
Q How long has she been dead? A. She died time of the war.
Q How many times have you been married? A. Twice.
Q Give me the name of the first husband you had? A. Henry Sidney.
Q Is he dead? A. Yes sir.
Q Was he a Cherokee freedman? A. Yes sir.
Q How long has he been dead? A. He has been dead about 20 years.
Q Did you and he live together from the time you and he were married until he died? A. Yes sir.
Q How long had you and he been married when he died? A. 3 or 4 years.
Q After he died you married again did you? A. Yes sir.
Q Give me the name of your second husband? A. Henry Bean.
Q That is the husband you have now? A. Yes sir
Q How long had your first husband been dead before you married this one?
Q Only about three years.
Q You and he then have been married 17 years or more? A. Yes sir.
Q Does Henry Bean claim to be a Cherokee Freedman in his own right? A. Yes sir.
Q Give me the name of Henry Bean's father? A. Jack Bean.
Q Is he alive? A. He is dead.
Q How long has he been dead? A. I dont know how long he has been dead.
Q Give me the name of his mother? A. Mary Bean.
Q Is she dead? A. No sir she is yet living.
Q Were you and Henry Bean married by a preacher? A. Yes sir.
Q Have you a certificate of marriage to him? A. No sir.
Q Give me the names of your children? A. Lucinda,
Q Is this the one that has fits? A. Yes sir.

Q What is her other name? A. She married a man by the name of Hill.
Q Does she still keep that name? A. Yes sir.
Q Is she a child of your first husband Henry Sidney? A. Yes sir.
Q How old is Lucinda? A. 24.
Q She has no children has she? A. Yes sir she has two.
Q What are their names? A. The oldest one is called Alsea Hill.
Q How old is Alsea? A. Five years.
Q The next child? A. Isaac Hill.
Q How old is that child? A. A month old.
Q What is the name of her husband? A. Reuben Hill
Q Is he dead? A. No sir he is living.
Q Is he living with your daughter? A No sir they has parted.
Q When did they marry? A. 5 or 6 years back.
Q Is Ruben Hill a state man or a Cherokee Freedman? A. I dont think he is a Cherokee Freedman.
Q Give me the names of your other children? A. Dovie Bean.
Q How old is that child? A, She is 17.
Q The next child? A. Effie Bean.
Q How old is Effie? A. She is 15.
Q The next child? A. Ernest Bean
Q How old is he? A. He is 9 years old.
Q Now the next child? A. Mary.
Q How old is Mary? A. She is 5 years old.
Q Now the next child? A. Viola.
Q How old is Viola? A She is 3 years old.

Applicants not found on the roll of 1880.

Q How old is your husband Henry Bean? A. He is 50 some odd.

Applicants not found on the census roll of 1896.

Q Did you draw Strip money? A. Yes sir.

The Kerns Clifton roll of the Cherokee Nation examined and the applicants identified thereon as follows:
Page 136 No. 3388, Alsie Bean, Cooweescoowee district.
Page 136 No. 3389 Lucinda Bean, Cooweescoowee district.
Page 136 No. 3390 Dovey Bean, Cooweescoowee district.
Page 136, No. 3391, Effie Bean, Cooweescoowee district.
Page 136 No. 3392, Ernest Bean, Cooweescoowee district.

Q Did your husband draw Cherokee strip money? A. No sir.

Applicant's husband not found on the Kerns Clifton roll.

Applicant's grand-children not found on the Kerns Clifton roll.

Q Where is your husband? A. He is out there somewheres.
Q Who was it you and your people belonged to when the war broke out? A. To Eliza Wright and my father belonged to the Downings.
Q Was Eliza Wright a Cherokee citizen? A. Yes sir.
Q You were a slave yourself? A. Yes sir.
Q How comes it that you are not on the 1880 roll? A I dont know. I jest guess they didn't put me on; I applied to get on.
Q What reason did they give for not putting you on? A. None.
Q You applied to get on did you? A Yes sir.
Q Where were you during the war, were you taken to Kansas? A. Yes sir.
Q Who went with you? A. My father.
Q Where did he take you to back there? A. Garnett, Kansas.
Q Do you remember Kansas very well? A. Yes sir.

The applicant's father found on the authenticated roll of 1880, thus: Page 243, No. 696, Reuben Downing, Delaware district.

The 1880 roll searched and the applicant's husband's father's and mother's names not found thereon.

Wallace roll of the Cherokee Nation examined and the applicant's husband found as follows:
Page 104, No. 2210, Henry Bean, Cooweescoowee district.

HENRY BEAN, called and sworn as a witness for the applicant by Com'r Breckinridge, testified as follows:

Q What is your name? A. Henry Bean.
Q How old are you? A. Said to be 52.
Q Are you the husband of this woman here? A. Yes sir.
QYou and she are living together are you? A. Yes sir.
Q When were you and she married? A. Been about 18 years ago.
Q Have you and she lived together ever since you married? A. Yes sir.
Q And all the time in the Cherokee Nation? A. Yes sir.
Q Did you get out a Cherkee license when you married her? A. No sir.
Q Just married her by a preacher? A. Yes sir.
Q Were you a slave in the Cerokee Nation when the war broke out? A. Yes s ir.
Q To whom did you belong? A. Uncle Washington Adair.
Q Is he dead now? A. Yes sir I suppose he is.
Q Where did he live? A. On Saline creek.
Q Was he a recognized Cherokee citizen? A. Yes sir I guess he was as far as I know.
Q Where were you taken during the war? A I was taken into Missouri.
Q Did the Union Army take you up there? A. No sir.
Q Who took you up there? A. I dont know.
Q When did you come back from Missouri? A I never got back until after the war, I guess it was along in '69.
Q Have you lived in the Cherokee Nation ever since? A Yes sir.
Q Did you ever apply to any court or Commission to be admitted to citizenship after you got back except the Wallace court? A. No sir.
Q That was the only court you applied to was it?A. Yes sir.
Q What time of the war were you taken up to Kansas? A. Was taken to Missouri first part of the war, I was carried to Missouri.
Q And you staid up there until you got back in 1880? A. Yes sir.

The Wallace roll examined and the name of the applicant's eldest daughter identified as follows:
Page 104 No. 2211, Lucinda Sidney, Cooweescoowee district.

APPLICANT re-called and examed by the Commission:

Q Where was your father during the war? A. In Kansas.
Q Where were you, with him? A. Yes sir.
Q Do you remember hen he came back? A. Yes sir.
Q Did he bring you back with him? A. Yes sir.
Q Have you lived here ever since? A. Yes sir.
Q Do you know who it was your mother belonged to? A. Eliza Wright.
Q And who was it your father belonged to? A. Johnson Downing.

By W. W. Hastings:

Q Who else came back with you and your father? A. Came back by ourselves, and my little sister.

Q What is your sister's name? A. Finas.
Q What is her name now? A. She married a man named Carter.
Q Is she living? A. She is dead.
Q Was she your full sister? A. Yes sir.
Q Your mother died in Kansas did she? A. Yes sir.
Q Do you remember your trip back from Kansas? A. Yes sir.
Q Was your brother Zebidee along with you? A. No sir he came back after we did, he came back from the south.
Q And you came back from Kansas? A. Yes sir.
Q Had your father been out here to prepare a home for you before you came? A. Yes sir he came first and then went and brought us children.
Q He came here first and built a house for you did he? A. No sir we just rented a place until he build a little place.
Q But he had been here before he brought you children, and had prepared a place for you and then went after you children? A. Yes sir.
Q What time in the year was it that you came?A In the spring.
Q Of what year? A. '66, it was in March.
Q Did you make a crop that year,your father? A Yes sir.
Q Where? A. On Mrs. Daniel's place I think; he went over and made some king of a crop.
Q When did you go back to Kansas ? A Never went back.
Q Where were you married the first time? A. On Grand river.
Q Were all your children born in the Cherokee Nation? A. Yes sir.
Q You have never been back into Kansas? A. No sir.
Q Where was your father living the first year you came back after the war? A. We took the Johnson Thompson place.
Q On which side of the riber was that? A. On this side.
Q On the side next to Vinita? A On this side
Q Was Jess Cockran living there then? A. We lived with Jess Cockman.
Q The first year? .A We lived there a month or two.
Q When you first came? A. Yes sir.

By the Commission:

Q Is your brother Zebidee living now? A. Yes sir.
Q How old was he when you saw him after the war? A. I dont know.
Q How long had you been back when you first saw him? A. I think I had been back here about a year; he came back shortly after we did.
Q Do you think it was less than a year? A. Yes sir I think it was.
Q You had married your first husband before the roll of 1880 was made? A Yes sir.
Q Did the census takers come to your house? A Yes sir.
Q You were then living with your husband Sidney? A Yes sir.
Q Did the census takers take your name down? A. Yes sir they took it down.
Q Did you tell him whose child you were? A. Yes sir.
Q Did you tell him that you were Reuben Downing's child? A Yes sir, I have been trying to tell them who I was ever since I come here in '66, and if they dont know it by now I cant help it.
Q You say your father came down before you did to prepare a place for you all? A. Yes sir.
Q There were only two of you children with him in the north? A. Yes sir
Q You and Finas? A. Yes sir.
Q Your brother Zebidee had gone south? A. Yes sir.
Q How long before you all came down had your father come down to prepare a place for you? A. He came down in the winter of '65 and then in the spring he came down with us.
Q The war was still going on in '65? A It was after peace was declared when he come down here.
Q About how long after he first come down before he brought you children,

was it a year? A. No sir it wasn't a year; he just went right back up there and got us and came right back here to the Nation.

ELIAS DOWNING, called and sworn as a witness for the applicant by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A. Elias Downing.
Q How old are you? A. About 58.
Q What is your post office? A. Chelsea.
Q How long have you lived in the Cherokee Nation? A. I was raised in the Cherokee Nation.
Q Have you lived here all your life? A. No sir I went out in '68.
Q Have you lived here all your life except during the war? A. I came back here and went out again.
Q Are you on the roll of 1880? A.No sir.
Q When did you first come back here? A. In '66.
Q What time in '66? A. In the fall.
Q Who came with you at that time? A. I come up with a drove of cattle.
Q Where from? A. Texas.
Q Were you and Reuben Downing kin? A. He was my father.
Q This woman then is your sister? A. Yes sir.
Q When you were here in the fall of '66, did you see anything of your father? A. Yes sir.
Q What was he doing then? A. He was living on a little farm on the east side of Grandriver.
Q Was he located there? A. Yes sir.
Q Who was with him? A. Zebidee, Alsea and Finas.
Q Was Finas your full sister? A. Yes sir.
Q Is Alsea your full sister? A. Yes sir.
Q They didn't go south with you? A. No sir.
Q Did you and your brother Zebidee go south together? A. No sir
Q Did he come back with you? A. No sir.
Q Who did go with you? A. John A. Richards.
Q Did your brother come back before you did? A. I guess so, I found him with my father.
Q And then you went out of the Nation again did you? A. Yes sir.
Q Where did you go? A. To Texas.
Q How long did you stay there then? A. A year or longer.
Q Why are you not on the 1880 roll? A I dont know, they just wouldn't put me on I guess.
Q How long did you stay here when you came here in the fall of '66? A Year or so.
Q And then you went back to Texas? A. Yes sir in the winter of '67.
Q Did you marry down there? A. Yes sir.
Q Did you have any children born there? A. Had one.

By W. W. Hastings:

Q Are you a full brother of this woman? A. Yes sir.
Q Her mother was dead then? A Yes sir she was dead when I come back.
Q Your father didn't have a wife then? A. No sir, not when I came back
Q He was living on a place of his own was he? A. Yes sir.
Q Had he made a crop that year? A. Yes sir.
Q How far from the Thompson place was he living? A. Two miles south of the Thompson place.
Q Who were your neighbors around there? A. Bob Daniels.
Q Was George Clark there? A. I dont know just where he was living; I

Alsea Bean c.

saw him but dont know just where he was living.

(Continuation of this case reported by M.D.Green)

* * * * * * * * * * *

Chas von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause upto the time Stenographer M. D. Green relieved him, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 3rd of June, 1901, at Chelsea, I. T.

C. R. Breckinridge

Commissioner.

7

Alsie Bean et al- continued 1 May 31,1901.

(Former portion taken by Steno. Chas.vonWeise)

ALLEN LYNCH, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A Allen Lynch.
Q How old are you? A 61 years old.
Q What is your post-office? A Vinita.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life, only while I was out in the war.
Q Were you in Kansas during the war? A Well, I come out of Kansas and went south.
Q When did you return to the Cherokee Nation after the war?
A I come back in February 1866.
Q Are you on the roll of 1880? A Yes sir.
Q Do you know this applicant here, this woman? (Indicating)
A Yes sir.
Q How long have you known her? A I have knowed her ever since she was born.
Q When did you first see her after the war? A I saw her about the last of October, 1865, when I come out of the army; she was living up there on Neosho River, her and her father and another child; the old man was a widower; I was mustered out in October, 1865, and I come right down on Neosho River and she was there, that is- the old man was there and two children.
Q How far is that from where this woman lives now? A 150 or 200 miles.
Q How long did they live up there? A I don't know how long they had been there before I come out of the army.
Q What did you see of her after that? A Well, that same winter I come out of the army her father here and my father and Crap and John Martin come down here on Grand River; thatwas before Christmas.
Q That was before Christmas in 1865? A Yes sir.
Q And then all of them went back but my father; he stayed down here; Crap and the old man went back, and the old man moved down here that same following spring after Christmas.
Q Who do you mean by the "old man"? A Reuben Downing.
Q This woman's father? A Yes sir.
Q Where was it he moved just after Christmas? A Down in the bottom on the river.
Q When was that, in the spring of '66? A Yes sir.
Q Whereabouts on Grand River? A Well they lived at, we called it Dirteater place, now they lived right on the east side of the river a mile and a half, and the Dirteater place is on the west side.
Q How long did they live there? A The old man died there.
Q The old man lived there until he died? A Yes sir.
Q Have you seen this woman pretty much ever since? A I see her until she married this man Sidney and moved out there on Pryor's Creek.
Q How long did she live with that man, Sidney? A I don't know, she must have lived with him two or three years, I don't know exactly.

Cherokee Rep've W.W.Keetings waives examination of witness

Applicant, ALSIE BEAN, re-called, and further examined;
By Commissioner Breckinridge:

Q How is this about your father living on Neosho River? About one hundred and fifty miles from his place on Grand River? A Up about Garnett.

Q Do you know anything about that? A Which?
Q About what I am asking you about? A About him living up there?
Q Yes, right after the war? A He aimed to say I reckon, Grand River.
Q Did you live with your father right after the war on Neosho river? A I have been living with him ever since--
Q I am asking you now about Neosho River; you understand what I am asking you about; answer my question? A I don't know whether they called Grand River Neosho River or not.
Q Where is it you say you came with your father after the war?
A I come to Thompson's place when I come down here.
Q You came with him right straight from Kansas down to the Thompson place? A Yes sir, we camped on Neosho as we come.
Q Where were you coming from? A Kansas.
Q Where abouts in Kansas? A It was this side of Garnett, where we lived.
Q Near Garnett? A Yes sir, Garnett, where he lived.
Q How long did you stay on Neosho, just camp on your way coming?
A Camped on our way coming.
Q Have you any recollection about meeting this man Al Lynch?
A Yes sir, he stayed up in Kansas; I saw him.
Q Where do you recollect first seeing him after the war? A In Kansas.
Q Where do you first recollect seeing him in the Cherokee Nation after the war? A on Grand River.
Q On what you call the Thompson place? A Yes sir. They all lived there, around.
Q Now that is your first recollection is it? A No sir.
Q Well then, what is your first recollection of seeing him in the Cherokee Nation after the war? A Well in '66 here right after the war down there up to the Thompson place.
Q How long did you live on that Thompson place? A We didn't stay there more than two or three months I guess.
Q And then where did you go? A Come on this side of the river; he bought a little place of his own.
Q Is that where your father lived up to the time he died? A Yes sir.
Q When he moved on this side of Grand River? A Yes sir.
X

Cherokee Rep've Hastings waives further examination of app't.

HENRY BEAN, being sworn and examined by Commissioner Breckinridge, testified as follows: RE-CALLED:

Q Henry Bean, has your wife a child named Lucinda? A Yes sir.
Q Is that the child of her first husband? A Yes sir, just one.
Q This child, Lucinda, has been married hasn't she? A Yes sir.
Q Give me the name of the man she married? A Reuben Hill.
Q How many children has this woman Lucinda got? A She has got two.
Q Two living children? A Yes sir.

Witness, ALLEN LYNCH, re-called, and further examined;
By Commissioner Breckinridge:
Q Where was this on Neosho River you saw this woman? A Neosho Falls, on Neosho River.
Q In Kansas? A Yes sir.
Q Near what place? A ~~Neck~~ Well, it is Neosho Falls, the town of Neosho Falls, they lived there.
Q How far is that from Garnett? A It must be 25 miles from Garnett; it is about eight or ten miles above Iola on the river.
Q Some twenty-five miles from Garnett? A Yes sir, it must be.
Q They were living right there at the Falls? A Right there close to the Falls.

Q What were they doing there? A They were living there when I come out of the army.
Q Did they have a crop? A I don't remember anything about the crop.
Q Were they living in a house there? A Yes sir, they had a house.
Q Did they tell you how long they had been living there? A No sir.
Q Did they have the general things that people have around about a house where they are keeping house; did they have chickens and things like that? A I couldn't tell you about that, the old man had a team; he and these two children.
Q Did he have corn in his crib? A I couldn't tell you anything about that.
Q Well, you fed your horse there didn't you? A I didn't have no horse, no sir.

Witness, HENRY BEAN, re-called, and further examined; by Commissioner Breckinridge:

Q Now your wife was applied for five children younger than Lucinda; you and she have got six children altogether, counting Lucinda, five of your own? A Yes sir.
Q Isthat right? A Yes sir.
Q Are these five all living now? A Yes sir.
Q You and she have got five children now living that are your own children? A Yes sir, five.

Commissioner Breckinridge: The applicant applies for the enrollment of herself, her husband and six children, and two grand-children; five of the children are of the applicant's present marriage, and one is her child by a former husband; the two grandchildren are the children of this last child by the applicant's first husband; the applicant is identified on the Kerns-Clifton roll, but not upon the roll of 1880 or upon the roll of 1896; her mother is said to have died in Kansas during the War; her father, now dead some 12 years, is identified on the roll of 1880; the father is identified on the roll of 1880 with certain children who went south during the War; the father went north with the applicant's mother and with the applicant and a sister, Finesse; the applicant's change of name, arising from marriage, is established by satisfactory personal testimony; the father's enrollment in 1880 is evidence that he was qualified as a Cherokee Freedman under the Treaty of 1866; the testimony so far indicates that the applicant came back to the Cherokee Nation with her father within the period required by the Treaty of 1866; prior to the roll of 1880 she had married a man named ~~Sloan~~, who is said to have been dead some 17 years ago, and who, she states, was a Cherokee Freedman, but who is not found on the roll of 1880; it may be that the applicant's failure to be upon the roll of 1880 was due to her change of name and her being married to a man who was not considered entitled to enrollment at that time; upon the other hand, neither is her sister, Finesse, identified upon the roll of 1880, who, the applicant states, came with her from Kansas; she states that the census taker came to her house and took her name, and she does not know why it was left off of the roll of 1880; it is possible that the applicant was not brought down by her father from the State of Kansas until after the period required by the Treaty of 1866, though the direct evidence so far does not indicate that fact, only her failure to be upon the roll of 1880 is indicated, but in the latter contingency the question to consider would be whether

the father having fully qualified under the roll of 1880 it would not convey the rights he enjoyed to a child some ten or twelve years of age whom he brought back soon after his own move to the Cherokee Nation, and after he had made some provision for his family; under these conditions, the applicant will at present be placed upon a doubtful card as a Cherokee Freedman, and the final decision of the Commission will be made known to her at her post-office address.

As for her oldest child, the child by her former husband; the name of this child now is Lucinda Hill; she is 24 years of age, but she is said to be an invalid and unbalanced in her mind, and under the conditions the applicant is permitted to apply for her; this child is identified on the Kerns-Clifton roll, and is shown to possess all the rights that her mother may possess; the change of this child's name, which was originally Sidney, to that of Hill, arises from her marriage, which is established by satisfactory personal testimony, and this child, Lucinda Hill, will now be listed for enrollment as a Cherokee Freedman on a doubtful card with her mother.

The children of this Lucinda Hill, the two grand-children for whom the applicant applies, namely, Alsae and Isaac Hill, are too young to be upon any roll, and the applicant is desired to supply the Commission with certificates of birth of these two children, who are said to be now living, and they will be listed for enrollment as Cherokee Freedmen on a doubtful card;

In addition to the oldest child just mentioned, the child of the applicant's first marriage, she has applied for five younger children, all minors, and children of her present marriage; these children are named respectively, Dovie, Effie, Earnest, Mary, and Viola Bean; they are living, and the three older ones are identified on the Kerns-Clifton roll; all five of these children will now be listed for enrollment as Cherokee Freedmen on a doubtful card with their mother, and she is desired to supply the Commission with a proper certificate of the birth of the two younger children, Mary and Viola.

As for the applicant's husband; he claims the right to enrollment as a Cherokee Freedman of his own right; he has no ground to claim as an intermarried Freedman, as he was never married under a Cherokee license; he establishes a lawful, but not a Cherokee, marriage with his wife; he is identified on the Wallace roll, but not upon the roll of 1880 or the Kerns-Clifton roll or the roll of 1896; he states that he was a slave in the Cherokee Nation at the time of the Civil War, but went out of the Nation at the time, or at the close, of the War, and did not return until 1880, and was never re-admitted; it cannot be seen, under these conditions, that he ever qualified under the Treaty of 1866, or that he has any right at this time to enrollment, and the application for his enrollment is rejected.

The final decision in regard to these applications will be duly made known to the applicant at her post-office address.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this May 31, 1901.

C. R. Breckinridge.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 31 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 31, 1901

Post Office Chelsea I.T.

District Coo

1. Name ~~Henry Bean~~ Age 52

Citizenship

Owner's name

Year Wallace 164 No. ~~2200~~ District ~~Coo~~

Parents:

Father ~~Jack Bean - dead~~ Citizenship

Mother ~~Mary~~ " - living Citizenship

1/2. Name of wife Alsa Bean Age 44

Citizenship

Owner's name

Year K.C. Page 136 No. 3388 District Coo

Parents:

Father Reuben Downing - dead Citizenship

Mother Jennie " - dead Citizenship

Names of Children:

		Year	Page	No.	Dist.	
3.	Lucinda Hill	K.C.	136	3389	Coo	24
4.	Alsea "	—	—	—	—	5
5.	Isaac "	—	—	—	—	1 mo
6.	Dove Bean	K.C.	136	3390	Coo	14
7.	Effie "	K.C.	136	3391	Coo	16
8.	Earnest "	"	136	3392	"	9
9.	Mary "	—	—	—	—	5
10.	Viola "	—	—	—	—	2
11.						
12.						

Application made by Nos. 1 and 2 Stenographer Chas. Van Dean

1/2 On K and E, roll as Alsie Bean -
3 " " " " " Lucinda "
6 " " " " " Dove "
7 8 " " " " " Effie
~~4, 5, 9 and 10~~ Affidavits of birth required
~~10~~ On Wallace roll, P 104 # 2211 Lucinda Hilsey - Coo

CHEROKEE FREEDMAN. 5448

20

IN RE

Application for Enrollment of

INFANT CHILD

Elsea Hill

as a citizen of

CHEROKEE. Nation

Approved MAY 31 1901 190

Commissioner

ON TO THE FIVE C.

FILED

31 1901

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation, of Alsea Hill (Here insert name of child), born on the 6 day of Feb, 1896

Name of Father: Ruben Hill, a citizen of the Cherokee Nation.

Name of Mother: Lucinda Hill, a citizen of the Cherokee Nation.

Post-office, Chelsea I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District. } ss.

I, Lucinda Hill, on oath state that I am 24 years of age and a citizen, by Freedman citizen of the Cherokee Nation; that I am the lawful wife of Ruben Hill, who is a citizen, by Freedman citizen of the Cherokee Nation, that a female (male or female) child was born to me on the 6 day of Feb 1896 that said child has been named Alsea Hill, and is now living.

her
Lucinda × Hill
mark

WITNESSES TO MARK (Must be Two Witnesses)

Subscribed and sworn to before me this 24 day of May 1901.

Wm Madden Jr
NOTARY PUBLIC

My Commission Expires March 29, 1905
P. O. HAYDEN, I. T.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District. } ss.

I, Rosa Harding, a midwife, on oath state that I attended on Mrs. Lucinda Hill, wife of Ruben Hill, on the 6 day of Feb, 1896 that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Alsea Hill

her
Rosa × Harding
mark

WITNESSES TO MARK (Must be Two Witnesses)

Subscribed and sworn to before me this 24 day of May 1901.

Wm Madden Jr
NOTARY PUBLIC

CHEROKEE FREEDMAN, D 448

IN RE

Application for Enrollment of

INFANT CHILD

Mary Bean

as a citizen of

CHEROKEE Nation.

Approved, MAY 31 1901 190

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 31 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation.

of Mary Bean (Affix name of child), born on the 1 day of April, 1896

Name of Father: Henry Bean, a citizen of the Cherokee Nation.

Name of Mother: Ulsea Bean, a citizen of the Cherokee Nation.

Post-office, Chelsea I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District. } IN

I, Ulsie Bean, on oath state that I am 44 years of age and a citizen, by Freedman Citizen, of the Cherokee Nation; that I am the lawful wife of Henry Bean, who is a citizen, by Freedman Citizen, of the Cherokee Nation, that a female (male or female) child was born to me on the 1 day of April 1896 that said child has been named Mary Bean, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Ulsie Bean

Subscribed and sworn to before me this 24 *day of* May 1901.

My Commission Expires March 25 1905
P. O. HAYDEN, I. T.

Wm Malden for NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District. } IN

I, Rosa Hardrie, a Midwife, on oath state that I attended on Mrs. Ulsea Bean, wife of Henry Bean, on the day of April, 1896 that there was born to her on said date a Female (male or female) child; that said child is now living and is said to have been named Mary Bean

Rosa her x mark Hardrie

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 24 *day of* May 1901.

Wm Malden for NOTARY PUBLIC

CHEROKEE FREEDMAN. Duly

20

IN RE

Application for Enrollment of

INFANT CHILD

Viola Beane

as a citizen of

CHEROKEE Nation

Approved, MAY 31 1901 190

Commissioner.

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 31 1901

ACTING CLERK.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Nicola Bean, born on the 25 day of May, 1899

Here insert name of child

Name of Father: Henry Bean, a citizen of the Cherokee Nation.

Name of Mother: Alsea Bean, a citizen of the Cherokee Nation.

Post-office, Chelsea I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
IN District.

I, Alsea Bean, on oath state that I am 44 years of age and a citizen, by Freedman Enrollment of the Cherokee Nation; that I am the lawful wife of Henry Bean, who is a citizen, by Enrollment of Freedman of the Cherokee Nation, that a female child was born to me on the 25 day of May 1899 that said child has been named Nicola Bean, and is now living.

Alsea Bean

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 2 day of May 1901.

My Commission expires March 13 1905 Wm Madden Jr NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
IN District.

I, Rosa Hardrick, a Midwife, on oath state that I attended on Mrs. Alsea Bean, wife of Henry Bean on the 25 day of May, 1899 that there was born to her on said date a Female child; that said child is now living and is said to have been

male or female

named Nicola Bean

Rosa her x mark Hardrick

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 24 day of May 1901.

Wm Madden Jr NOTARY PUBLIC

Cherokee Freedmen D 448.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alsea Bean et al., for enrollment as Cherokee Freedmen.

-:-

D E C I S I O N.

The record in this case shows that on May 31, 1901, Alsea Bean appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and children, Dovie, Effie, Ernest, Mary and Viola Bean and Lucinda Hill, and her husband, and her grandchildren, Alsea and Isaac Hill, and her husband, Henry Bean, as Cherokee Freedmen, but as the said Henry Bean is classified differently from the other applicants herein, he will not be embraced in this decision.

The evidence herein shows that the principal applicant, Alsea Bean, was the slave of a Cherokee citizen at the commencement of the Rebellion; that she was taken out of the Cherokee Nation during said Rebellion, but returned thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses White, trustee, etc., vs. the Cherokee Nation et al., for the return of freedmen to said Nation, and has since continuously resided therein.

The evidence further shows that [illegible], Lovia, Effie, Ernest, Mary and Viola Bean and Lucinda Hill, are children of the said Alsea Bean, and that [illegible] Alsea and Isaac Hill, are children of the said Lucinda Hill; that said applicants were born since 1866, and have continuously resided in the Cherokee Nation since birth.

It is, therefore, the opinion of this Commission that Alsea, Dovie, Effie, Ernest, Mary and Viola Bean, Lucinda, Alsea and Isaac Hill should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
this MAY 4 1905

Cherokee Freedman #7454 F. 1454

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED
JUN 2 1906

COMMISSIONER

United States of America,

Northern District, } ss

Indian Territory.

On this the 18, day of June, 1906 personally appeared before me the undersigned, a Notary Public within and for the District and Territory aforesaid, Lucindy Hill and being duly sworn states that she is the mother of Issac Hill, who died on the 21 day of June 1903, that said child was born on the 3, day of January 1900. That an allotment has not been selected for said deceased child.

Witness to mark
J. T. Brown
H. M. Smith

her
Lucindy X Hill
mark

Sworn to and subscribed before me this the 18, day of June, 1906.

John T. Brown
Notary Public.

My commission expires Dec. 8, 1906.

United States of America,

Northern District,

Indian Territory.

On this the 18, day of June, 1906 personally appeared before me the undersigned a Notary Public within and for the District and Territory aforesaid Alsea Bean and being duly sworn stated that she is the grandmother of Issac Hill deceased; that said Issac Hill died on the 21 day of June, 1903; that he was born on the 3rd day of January 1900

Witness to mark
J. T. Brown
H. M. Smith

her
Alsea X Bean
mark

Subscribed and sworn to before me this the 18, day of June, 1906.

John T. Brown
Notary Public.

My commission expires Dec. 8, 1906.

32

IN RE
THE DEATH OF
Lucinda Hill
A CITIZEN OF THE
Choctaw Nation

Approved 190

Commissioner

DEPARTMENT OF THE INTERIOR
RECEIVED
MAY 4 - 1910

1920

B. 1454 (Citizenship)
Alex Bunn et al.

Department of the Interior,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Lucinda Hill
(Here insert name of deceased)

a citizen of the Cherokee Nation who formerly resided at or near Chelsea Oklahoma (Here insert name of post office) ~~Ind. Ter.~~, and died on the 23 day of April, 1907

AFFIDAVIT OF RELATIVE

I, Nelson Bean, on oath state that I am about 53 years of age and a citizen, by Freedman, of the Cherokee Nation, that my postoffice address is Chelsea Oklahoma (Here insert name of postoffice) ~~Ind. Ter.~~; that I am the Mother (State relationship, as the father, aunt, uncle, a cousin, etc.) of Lucinda Hill (Here insert name of deceased) who was a citizen, by Freedman, of the Cherokee Nation and that said Lucinda Hill (Here insert name of deceased) died on the 23 day of April, 1907

Nelson Bean

WITNESSES TO MARK

(Must Be Two Witnesses)

Subscribed and sworn to before me this 29 day of April, 1907

Notary Public.

AFFIDAVIT OF ACQUAINTANCE

I, Henry Bean, on oath state that I am about 64 years of age, and a citizen by Minor, of the Cherokee Nation; that my postoffice address is Chelsea Oklahoma (Here insert name of postoffice) ~~Ind. Ter.~~; that I was personally acquainted with Lucinda Hill (Here insert name of deceased) who was a citizen, by Birth, of the Cherokee Nation; and that said Lucinda Hill (Here insert name of deceased) died on the 23 day of 1907

Henry Bean
her father

WITNESSES TO MARK

(Must Be Two Witnesses)

Subscribed and sworn to before me this 29 day of April, 1907

Notary Public.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Alsea Bean,
Chelsea, I.T.
Cherokee F-D-448
Register.

M24

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-448.

Musko ee, Indian Territory, September 11, 1903.

Alsea Bean,

Chelsea, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and family as Cherokee Freedmen, you are hereby advised that further testimony is required as to the residence of Lucinda Hill in the Chero kee Nation.

You are further advised that the Commission will be at Vinita, Indian Territory, on Thursday, September 24, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

COPY.

Chor. Freedman
D-488

Muskogee, Indian Territory, October 3, 1904.

Alsea Bean,

Catale, Indian Territory.

Dear Madam:

The Commission is in receipt by reference from the Secretary of the Interior, of your letter of September 17, 1904, wherein you ask why you and your children have been placed on a doubtful card.

In reply you are advised that your name and that of your children was placed upon a doubtful card for the purpose of allowing the Commission to further investigate your rights to enrollment.

You are further advised that the Commission has not yet rendered a decision in your case but that such action will likely be taken in the near future, and when a decision has been rendered you will be furnished with a copy thereof.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D 448.

Muskogee, Indian Territory, May 4, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 4, 1905, granting the application for the enrollment of Alsea Bean, et al., as Cherokee freedmen.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Incl. S-73

COPY.

Cherokee Freedmen

D-448.

Muskogee, Indian Territory, May 23, 1905.

Alsea Bean,

Chelsea, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 4, 1905, granting the application for the enrollment of yourself, et al. as Cherokee freedmen.

You are advised that you will not be permitted to make allotment selections until your names have been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Chairman.

Incl. S-47.

RECEIVED

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Alsea Dean,

Chelsea, Indian Territory.

Official Office - Cherokee Nat.

Relative to citizen Saloma Fox
enrollment as Cherokee Freedman

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Alsea Dean,

Chelsea, Indian Territory.

Cher Fr 1455
Trans. from Cher Fr D436

Cher Fr 1455

correct transcript of Mis stenographic notes therein.

Subscribed and sworn to before me this the 1st of June, 1901, at Chelsea, I. T.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. May 29th 1901.

In the matter of the application of Ella M. Humes, for the enrollment of her three nieces, BLANCH WILSON, WINNIE WILSON and EMMA WILSON, as Cherokee Freedmen: She being sworn by Commissioner C. R. Breckinridge testified as follows:

Mellette & Smith attorneys for the applicant:
W. W. Hastings for the Cherokee Nation:

By Com'r Breckinridge:

Q What is your name? A. Ella M. Humes.
Q How old are you? A. 39.
Q What is your post office? A. Vinita.
Q In what district do you live? A. Cooweescoowee.
Q You have already applied have you? A. Yes sir.
Q You desire now to apply for the children of your deceased sister do you? A. Yes sir.
Q Give me their names? A Blanch Wilson.
Q How old? A 13.
Q Next? A. Winnie.
Q How old? A. 9.
Q Next? A. Emma
Q How old? A. 5.
Q Are these children all living now? A. Yes sir.
Q Give me their mother's name? A. Eliza Wilson.
Q Was she your full sister? A. Yes sir.
Q How long has she been dead? A. About two weeks.
Q Give me the name of the father of these children? A George Wilson
Q Your sister Eliza was a Cherokee freedman, was she? A. Yes sir.
Q How about George Wilson? A. No sir he was a state man.
Q When did your sister marry her husband George Wilson? A. In '91.
Q Was that her first husband? A. Yes sir.
Q How old was your sister when she died? A. 38.
Q Where was she born? A. Down here at Fort Smith, Arkansas.
Q When did she come here to the Cherokee Nation? A. Came here with her mother in '66.
Q Did she live in the Cherokee Nation from that time until she died?
A Not continually.
Q Where did she live else? A. In Chetopa Kansas.
Q Where was she married? A. I dont know.
Q Where is her husband now? A. Up on the farm
Q Where is that farm? A. At Blue Jacket.
Q Where was Blanch born? A. In the Nation.
Q Where was Winnie born? A. I dont know just exactly where she was born
Q Where was Emma born? A. In the Nation.
Q What business has your sister's husband followed? A. He farms.
Q In Kansas? A. No sir, I dont think he has farmed there.
Q What do youk now of your sister having lived in Kansas? A. I dont know nothing about that
Q What do you know of her living in the Cherokee Nation? A. We have had adjoining farms in the Cherokee Nation.
Q How long have you and your sister had adjoining farms in the Cherokee Nation? A. About eight years.
Q Where else has your sister lived besides the places you mentioned?
A On Cabbin creek and right on the line—I dont know where all she has lived.

By Edgar Smith, of counsel for applicant:

Q Who was the mother of your sister? A. Rosa Mingo.
Q Who was the father of your sister? A. Sandy Mingo.
Q Did you and your sister have the same father and mother? A. Yes sir.
Q What relation was your mother to Eliza Gaines? A. A sister.

Q Was she a full sister to Eliza Gaines? A. Yes sir.
Q Your sister who died was older than you? A. Yes sir.
Q Is there any one here on the grounds who knows where she lived? You dont know how long she lived in Kansas do you? A. No sir.
Q You stated that the oldest one of your sister's children was born in the Cherokee Nation and that the youngest one was born in the Cherokee Nation, now do you know where the third one was born—the one between those two you named? A. No sir I do not.

By W. W. Hastings:

Q Where was sister of yours married? A. I dont know.
Q You dont know much of her residence either? A. No sir.

By the Commission:

Q Is your mother dead? A. Yes sir.
Q Where did she die? A. In the Cherokee Nation.
Q Is there anybody here that knows anything about your sister? A. Yes sir.
Q How far does her husband live from here? A. It is at Blue Jacket where he lives.
Q How far from Vinita? A. 12 miles.

Applicant's sister not found on the 1880 roll.

Applicant's sister nor her children found on the roll of 1896

Applicant's sister nor her children found on the Wallace roll

Applicant's sister nor her children found on the Kerns-Clifton roll.

Q You say your sister was never married except to her husband Wilson?
A No sir.

Q You say your sister was married to her husband in '91? A. Yes sir.
Q The oldest child was born before their marriage then? A. Yes sir.

By Com'r Breckinridge:

The applicant applies for the enrollment of three children, the children of a sister who has recently died. The deceased mother of these children, Eliza Wilson, nee Mingo is not identified on any of the rolls of the Cherokee Nation; the children are not identified on any of said rolls, and the father of these children is said to be a state man, to whom the applicant claims her sister was married. It is alleged, however, that there is a claim which will be developed from the testimony in the application on Cherokee Freedman Card D-[illegible], and for the further consideration of this case, these children will now be listed for enrollment as Cherokee Freedman on a doubtful card, and the testimony in the case cited will be filed with the present applicantion and the final decission of the Commission will be made known to the applicant at his post office address. The applicant is desired to supply the Commission with proper certificates of the birth of these three children.

* * * * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and

Ella E. Ramos 3.

correct transcript of his stenographic notes therein,

Subscribed and sworn to before me this the 8 1st of June, 1901, at Chelsea, I. T.

Commissioner.

B. F.D. 436

CLERKS OFFICE
FILED
MAY 20 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 29, 1901.

Post Office Vinita, I.T.

District Coo

1. Name

Age

Citizenship

Owner's name

Year Page No. District

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Age

Citizenship

Owner's name

Year Page No. District

Parents:

Father Geo. Wilson - living Citizenship Colored

Mother Eliza Wilson - dead Citizenship Cher. Freedman

Names of Children:

		Year	Page	No.	Dist.
3.	Blanche Wilson	Year	Page	No.	Dist.
4.	Winnie "	Year	Page	No.	Dist.
5.	Emma "	Year	Page	No.	Dist.
6.		Year	Page	No.	Dist.
7.		Year	Page	No.	Dist.
8.		Year	Page	No.	Dist.
9.		Year	Page	No.	Dist.
10		Year	Page	No.	Dist.
11.		Year	Page	No.	Dist.
12.		Year	Page	No.	Dist.

Application made by Ella M. Nunes (aunt) Stenographer Chas. O'Neill

13
9
5

COMMISSIONER OF INDIAN AFFAIRS
TO THE FIVE CIVILIZED TRIBES

FILED
JAN 25 1901
COMMISSIONER OF INDIAN AFFAIRS

9

To be filed in the case of Blanch Wilson C.F.D.#458.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9th 1901.

In the matter of the application of Eliza Gaines for enrollment as a Cherokee Freedman; said Gaines being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Eliza Gaines.
Q How old are you? A I dont know exactly how old.
Q How, about how old? A I got it you can see it. (80)
Q What is your post office address? A. Bluejacket.
Q In what district do you live? A. Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever applied to be enrolled as a Freedman of any other Nation or tribe? A No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee freedman? A Yes sir.
Q Is your name on the roll of 1880? A I dont know.
Q Who do you want to enroll besides yourself? A Myself.
Q How many children? A. There are on there. (referring to paper)
Q Children are all grown? A Yes sir.

The 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.
The 1896 census roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.

Q Did you draw what is known as the strip money?mA. Yes sir.

The Kerns Clifton roll of citizens of the Cherokee Nation examined and applicant's name found thereon,page 161,#3968, Eliza Gaines, Cooweescoowee district.

By Mr. Smith, of the firm of Smith & Mellette, attorneys for applicant

Q Were you a slave? A. Yes sir.
Q Who was your owner? A John Stover.
Q Was he a Cherokee citizen? A. No sir, my Mistress was.
Q What was her name? A. Charlotte Stover.
Q Where were you during the war? A. With my Master.
Q Did you go out of theNation? A. Yes sir.
Q When did you get back? A. '66.
* Do you remember what time in '66? A I come back in the fall of '66, near Christmas.
Q Where did you come to, what part of the Cherokee Nation? A I come to Gibson.
Q Where do you live now? A. I live at Timbered hill now.
Q Have you a place there? A. Yes sir.
Q Farm? A. Yes sir.
Q Are you on the Kern Clifton roll? A I guess I am on it, you will have to look to see.

By W. W. Hastings- Cherokee Representative.

Q Whom did you come back to the Cherokee Nation with? A I come back with John Stover.
Q He brought you back? A. Yes sir, brought us to the Chickasaw Nation
Q Did he die in the Chickasaw Nation? A. Yes sir.
Q He didn't come back here after the war? A. No sir, he died over there but we come back.
Q After he died then you come on up to the Cherokee Nation? A Yes sir, I hired a wagon and come on up to Gibson.
Q How many come along in that Crowd? A There was not nobody but my and

my sister, we hired a man to bring us.
Q What was your sister's name? A Jane Webb, she was Jane Brown at that time.
Q You hired a wagon did you? A. Yes sir.
Q Do you remember the man's name you hired? A Mr. Brown, he was her husband.
Q How long did you stay at Fort Gibson? A. We staid there about, we come in the fall before Christmas, staid there until I got able to travel again.
Q About how long? A. I guess it was about nearly, over six months, a year; we staid there and drawed rations.
Q Whom did you stay with at Gibson? A We was in a tent.
Q Just you two and her husband? A Yes sir, and the children.
Q What children did you had at that time? A I had Julia and Georgia and John Henry and Lizzie.
Q They were all along with you? A. Yes sir.
Q Who did youw work for at Fort Gibson? A. I washed for the soldiers
Q And where did you go from Fort Gibson? A I staid there about a year and come up about Mr. Bell's
Q Mr Hooley Bell? A Yes sir.
Q Where was he living at that time? A. I cant tell you, but it was somewheres where the old Fort had been and there was coffins there and any way I know it was where he lived, I cut corn for him.
Q For Hooley Bell? A. Yes sir.
Q How long did you stay with Hooley Bell? A I staid until along in the fall.
Q You staid there from the summer until the fall? A Yes sir.
Q About six or eight months? A. Yes sir.
Q And that must have been the fall of 1867 when you staid up at Hooley Bell's ? A I dont know.
Q Now, where did you go? A. I went to Chetopa and staid there.
Q Chetopa Kansas, Yes sir, right across the line.
Q You didn't go into the state of Kansas? A No sir.
Q You only went near Chetopa on the Cherokee side? A Yes sir, on what they call.
Q Now, whom did you work for up there? A We was working for ourselves, a man hired un to go out and work on his farm, it was a man named Larkins.
Q How long did you work for Larkins? A We staid there a long time.
Q A number of years? A. Yes sir, until we moved down here.
Q Until you moved where you live now? . A Yes sir.
Q After you left Hooley Bell's place you went up to Larkins place? A Yes sir.
Q Are any of Mr. Larkis folks alive now? A. Not as I know of.
Q He had a family did he? A. Yes sir, he had four in his family, his wife and two children.
Q Was Mr. Larkins a citizen of the Cherokee Nation? A I dont know, he hired us to work.
Q Have you ever lived in Kansas since the war? A. No sir.
Q You never went up there at all? A. No sir, just goe up there and come back.
Q You come back from near Chetopa to where you live now? A. Yes, sir; I dont live there now, I live on Timber Hill near Bluejacket.
Q You mean you come from the Larkins place down to near Bluejacket? A Yes sir.
Q What direction is that, is it on the Cooweescoowee side? A. Yes sir
Q Towards the sunset from Bluejacket? A Yes sir,
Q Did your sister go with you all these round you were talking about? A She was with me pretty much of the time.
Q Did these children go with you? A. They was with me some and I had some hired out.
Q You staid about three or four years at the Larkins place? A Yes sir
Q Did you have any neighbors around there? A There was no neighbors but one family.

Q What was that family? A John Shafer.
Q Did he live in the Cherokee Nation? A. Yes sir.
Q Now, about how far from Chetopa were you, about how many miles to the best of your knowledge? A I guess it was about three or four miles.
Q Down on the Cherokee side? A. Yes sir.
Q South of Chetopa? A Yes sir.
Q Were you living there when the railroad come there?A. No sir, wasn't no railroad, living there long before the railroad was builtl,
Q You were living there when the railroad was built? A. Yes sir,there wasn't no houses when the railroad come through.
Q Were you living at the Larkins when the railroad come there.
Q Yes sir.
Q Now, Aunty, how far from the railroad track, the M. K. &. T., were you living? A. I dont know, we could not hear the train.
Q On the south side of the track? A That was on this side of the track, over in Cooweescoowee.

By Mr. Smith-

Q Who are your children? A. John Henry.
Q John Henry What? A John Henry Nash, Julia Nash, Lizzie, Georgia Ann, Malinda, Etta, Berry the other three is dead.
Q How many? A Three is dead.
Q How many are alive now that you name? A (No response.)
Q You dont mean that any of those whose names you give are dead? A No sir.
Q Do they go by this name name; are they still named Nash, or are they married? A They are married.
Q What are the names of the girls? A Malinda Johnson and John Nash, he goes by his daddy's name, Georgeia Jones and Lizzie Martin and Carrie Harrison.
Q Are they here? A. There is Mary Mayberry.

CHARLEY CHAMBERS, called as a witness on the part of Applicant, sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Charley Chambers.
Q How old are you, Mr. Chambers? A 78.
Q Whzt is your post office address? A. Hudson.

By Mr. Smith-

Q Do you know Eliza Nash or Eliza Gaines? A Yes sir.
Q How long have you known her? A. Well, I have known her somewheres about in '66.
Q Where did you know her? A. When I first known her she was at, my first knowing her, I seen her at Fort Gibson.
Q Are you a freedman? A. Yes sir.
Q Are you on the 1880 roll,or not? A. Yes sir.
Q Where were you during the war; did you go out of the Cherokee Nation? A. No sir; Yes sir; I went out of the Cherokee Nation, but I was in the Territory, the Choctaws.
Q The Choctaw Nation? A. Yes sir.
Q Do you remember when you got back to the Cherokee Nation? A. Yes sir
Q When was it? A. I come back in '65, I come back in '65; this side of Fort Smith over there down in the bottom on this side on thariver.
Q How long was it after you come back before you became acquainted with or see Eliza Nash, or Eliza Gaines? A Well I come back in,along, in the Summer and I come up from there and come up to Tahlequah where my old folks was living and it was that winter about the next,I mean the next year, the winter I was over to Fort Gibson and seeh her there.
Q About what season of the year was it you got back? A Along in the summer, spring like.

Q Of 1865? A Yes sir.
Q And the following winter? A No, it was the year we called there, that winter and the next winter, come in the same winter, that is right, the same winter.
Q Well, which was it, the following winter after you come back in the summer? A Yes sir.
Q Do you know her children, know what their names are all of them, or not? A No sir; I dont know; I never seen any of the children them, I didn't know anybody but her and she was up there, up there drawing Government rations then when I seen her.

By W. W. Hastings—

Q Did you see her there then the one time, Mr. Chambers? A No sir, I sen her there as much as twice I know of; it was the first time I saw her there it was.
Q That was in the fall after you come back in the spring or summer? A Yes sir, after I come up from Fort Smith, I come up then to see my old folks that raised me and while I was there I went on there to Fort Gibson and seen her there.
Q Are you positive you saw her? A. Yes sir; I am positive I saw her there.
Q Are you positive about the year you saw her? A It is the same winter after I come there; you see I staid there all that summer down there to Fort Smith and along in the fall I come up here.
Q And that is the fall you saw her? A. Yes sir, that winter I seen her.
Q You know that? A. Yes sir, I know that to be fact.
Q You come here you say in the spring or summer on 1865? A Yes sir
Q And say it was the next winter you saw her? A Yes sir, I staid that summer there at Fort Smith in the bottom, understand me right; I staid that summer in the bottom and that winter I come up to see my old folks who raised me; well that fall I staid there all fall and that fall I went down to Gibson, riding about as usual and staid around there a little while and I seen her and I was always a pretty good hand to notice women.
Q And you noticed her among all that bunch? A Yes sir.
Q You remember seeing her? A. Yes sir
Q Well when did you next see her? A. I seen her agin a short time after that I saw her there in a store the next time I saw her.
Q Whose store? A I can't call the man.s name now; but anyhow it was the store George Sanders was working in; I guess you know don't you, dont you recall.
Q I was not there? A. There at Fort Gibson.
Q When did you next see her? A. I never seen her from over there, I never seen her any more until I saw her up there where she is living now, at Timbered Hill.
Q How long was that after you saw her at Fort Gibson? A. Four or five years.
Q You dont know where she had been in the meantime? A. No sir; but I don't think she has been anywhere but, I heard of her living up by William Tucker's
Q You never did see her up there? A. No sir.
Q Have you ever been arrested? A. Yes sir.
Q Have you ever been arrested? A Yes sir.
Q What for? A. For several things.
Q How many times? A. Twice, three times, one time for selling bows and the next time for selling cedar posts.
Q What Court? A. Cherokee; arrested one time by the United States court
Q What for? A. For shooting at a man.
Q What was done with you? A. Never done anything with me.
Q Did they try you? A. Yes sir, never done anything.
Q What did they do with you in the Cherokee court? A Nothing turned me aloose and let me go home.
Q Never was convicted? A. No sir.
Q. Do you remember seeing anybody but this woman in 1866? A Oh, I seen

lots of others.
Q I mean of her family? A If I did I didn't know 'em

JAMES ALBERTY, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. James Alberty.
Q What is your post office address? A. Chouteau.
Q How old are ~~you, or~~ James? A I am near 70 or older, I dont know.
Q Are you a citizen of the Cherokee Nation? Z Yes sir, I drawed money, votes.
Q Is your name on the roll of 1880? A No sir.

By Mr. Smith-

Q Do you know Eliza Gaines? A Yes sir.
Q Sometimes called Nash? A I know her.
Q How long have you known her? A. I dont know how long, I know her when she was with her old Master, I dont know how long that has been.
Q Who was that? A. Mr. Steven
Q Well, where were you during the war; did you go out of the Cherokee Nation? A Yes sir, south.
Q When did you return to the Cherokee Nation? A. I returned in '66 before the Treaty was made.
Q Did you know where Eliza Nash was that time? A. (No response)
Q When did you see Eliza Nash? A When I come back.
Q When was the first time you saw her? A. At Gibson.
Q When? A In '66.
Q Can you state at what time it was? A In the fall.
Q Did you know any of her family, any of her children? A. No sir, I could not tell anything about them.
Q Did you know her sister? A. Yes sir.
Q What was her sister's name? A. Lydia was one and Jane was one and if I ~~mistake~~ dont mistake Mary was one, that I recollect.
Q Do you remember seeing any of them? A. Yes sir
Q Who did you see? A Lydia that I noticed.
Q That you remember? A. Yes sir.
Q Do you know of your own personal knowledge whether they, or any of them, went ut of the Cherokee Nation, and if so, when they came back? A No sir, I dont know,

By W. W. Hastings-

Q Whom did you belong to when the war broke out? A John Alberty.
Q John Alberty sold you out of here before the war? A No sir, he didn't; he sold Dave though.
Q You swear that you belonged to him at the time of the war? A. Yes sir, I never belonged to anyone else that I know of.
Q He never sold you out? A. No sir.
Q Where were you living when the war came up? A. Right at Pryor creek right at the toll bridge.
Q Where was this woman living when the war came up? A. At Stover's
Q How far was that from where you were living? A. I trained horses right there by Wilson's
Q Whom did you train horses for? A Trained horses for Jim Kell.
Q And you knew Eliza before the war? A. Yes sir.
Q What were you doing at Fort Gibson when you saw her there? A. Nothing, just riding about getting drunk; that is all I done in that days; I had money and didn't work.
Q Was Eliza living at Fort Gibson when you saw her? A. She was there washing, I dont know where she was living.
Q How do you happen to remember seeing her? A I stopped there where she was and talked with her.
Q Did you see her there just once? A. The next time I saw her, ask me
Q Where did you see her the next? A On Cabin creek.
Q Where is that? A. I dont know which way it is from here.

Q Near whose place? A. Bill Tucker's
Q On Cabin creek? A. Yes sir.
Q When was that you saw her there? S. I dont know, it may have been a year or maybe more.
Q She was living up there then? A. Yes sir, in the same house not far from Mr. Tucker's
Q Where did you see her the next time? A. Where she lives now.
Q About how long was that after that? A. I dont know.
Q She moved from where she lived on Cabin creek to where she lives now? A. Yes sir.
Q West of Bluejacket? A. Yes sir, west of Bluejacket.
Q Jim, were you ever tried for anything by the courts? A No sir.
Q Never was arrested? A. No sir, not by the Courts, I was not.
QBy Marshals? A No sir, I used to be a Marshal myself, I never was arested for any crime or any kind, never was.

Com'r Needles—

Eliza Gaines applies for the enrollment of herself as a Cherokee Freedman. Her name isnot found upon the authenticated roll of 1880 or any rolls now in the possession of this Commission except the Kern Clifton roll, and her name is found thereon according to the page and number as indicated in the testimony Her name will now be placed upon a doubtful card for the further consideration by the Commission. The final decision of the Commision will be made known to the applicant at her post office address by due course of mail. If at any time she desires to introduce any additional testimony the same will be received

* * * * *

J. O. Rosson, being first duly sworn, states that as stenographer to he Commission to th-Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson.

Subscribed and sworn to before me this 10th day of May, 1901.

C. R. Breckinridge,

Commissioner.

= = = = = = = = = = = =

I, Chas. von Weise, upon my oath state that the foregoing is a true copy of the original.

Chas von Weise

Subscribed and sworn to before me this 23rd of July, 1901.

Commissioner.

interested, and because of the further fact that it is in-
competent and immaterial, and there are living witnesses by
whom the same facts can be established--Mrs. Jameson's sis-
ter and others are now living, who know the same facts that
Mr. Jameson knew and one of whom is now in the town of Vinita
for the purpose of giving evidence in cause to-day.

Commission: The objection will be noted, and affidavit
will be filed and marked for [illegible] in evidence.

[illegible] the attorney for the Applicant filed
a [illegible] on the [illegible] red to
[illegible] the commissioner of Indian Affairs.

Commission: This testimony will be made part of the re-
cord in the following freedmen cases. D.#321, D.#322,
D.#323, D.#324, D.#325, D.#326, D.#327, D.#328, D.#329,
D.#330, D.#331, D.#332, D.#333, D.#334, D.#335, D.#336, and
also in the case of [illegible] Lillie, D.#320.

---oooOOOooo---

[illegible] Pearson, being first duly sworn, states that as a court
reporter [illegible] the Commission to the Five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

Subscribed and sworn to before me this 20th day of [illegible] 1921.

File with case of Blanche Wilson, et al., C.N.-D.#436.

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Supl.C.N.-D.#220.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 12th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of ELIZA GAINES as a Cherokee Freedman, introducedon part of the Cherokee Nation:

APPEARANCES:
Mr. Mellette, of Counsel for Applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

JOHNATHAN GORE being duly sworn, testified as follows on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A Johnathan Gore.
Q Where do you live? A I live near Bluejacket, in the Cherokee Nation.
Q How long have you lived in the Cherokee Nation? A I have made that my home since '78; I have lived in the Nation longer than that, but that has been my home since '78
Q When you located at Bluejacket or near where Bluejacket is now, were you over that section of country very much? A Yes, sir, I was around there quite often.
Q Are you acquainted with Eliza Gaines? A Yes, sir, I know Mrs. Gaines and her people.
Q How long have you been acquainted with Eliza Gaines? A Well, I don't know, I can't recollect the first time I ever met her, but it was along in '85 or 6, I ain't positive as to dates.
Q Do you know what they call Timbered Hill out there northwest from where Bluejacket is? A Yes, sir.
Q Do you know where she livesnow? A I know where the old man lives, I suppose she lives with him, I never was right in the house, I have been right close to it.
Q Well, that section of country, were you through that section of country when you located at Bluejacket up to '81 or '2? A Yes, sir, I live near there and I was through the hill quite often, I had stock up there once.
When did these people settled up there to the best of your knowledge? A I can't tell you the exact time they settled there, it must have been '82 or '83; I never saw these people there in '79, '80 or '81, they might have come there in '82.
Q Well, were you over the country where they located there, where their ~~improx~~ improvements are? A Yes, sir.
Q Could they have had a place and you not known it? A There was no place where Mrs. Gaines lives now; that is none except the Cris Young place and he built his house in '81, and I assisted him in building it and was familiar with nearly everybody that lives on Timbered Hill at that time and there were no colored people living there.

MR. MELLETTE: When did you get acquainted with Eliza Gaines? A Well, sir, I can't state as to the time I got acquaintedwith her; I have seen her in town and the people said that was Mrs. Gaines, I can't give the exact date.
Q Now, you don't know whetheryou got acquainted with them when they first came up there about Bluejacket or not, do you? A I could not state positive when they came there at the exact time, I know there was none living there at the time I was putting, assisted Cris Young built his house and for quite a while afterwards.
Q You don't know anything about them being at Fort Gibson right after the war? A Nothing in the world about it.
Q And about them living down about Holley Bell's place? A No, nothing in the world about it.

Q And living up near Chetopa at the Larkins place? A No, nothing about it.

GEORGE WALKER, being duly sworn testified as follows, on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A George Walker.
Q Where do you live, Mr. Walker? A Live on Cabin Creek.
Q What is your post office? A Henson.
Q Cherokee Nation? A Yes, sir.
Q How old are you? A I am 71.
Q How long have you lived in the Cherokee Nation, Mr. Walker?
A Well, I guess I have lived there all the time.
Q Well, how long have you livedup in the neighborhood where you now live, up in that section of country? A Well, I moved up there towards Chetopa there in the fall of '66.
Q Been living in that locality since that time? A Yes, sir.
Q Do you know a man by the name of Larkins who at one time lived up near Chetopa, Kansas? A Yes, sir.
Q Where was he living when you first knew him, Mr. Walker? A Well, I don't recollect exactly but I think I was living where I am living now/
Q Well, where was he living with reference to where you were living, Larkins? A He built him a house close to Chetopa there.
Q In the Cherokee Nation or State? A In the State.
Q Well, after you knew him living there, did he live on that place?
A I could not tell you.
Q Well, did he afterwards live in the Cherokee Nation? A Well, I think he lived on Russell Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Now, when was that he moved on Russell creek with reference to the time the railroad came through that country? A I can't recollect.
Q Do you know what the place he lived on is known by now, what place? A I believe Holderman owns it now.
Q Has it ever been known as by any other name besides Larkins left it, besides Larkins and Holderman? A No, sir.
Q How far from the Boudinot ranch place? A About three miles.
Q And he lived there after the railroad came through? A Yes, sir.

MR. MELLETTE: Now, Mr. Walker, you say that Larkins built a house in or close to Chetopa? A Yes, sir.
Q How far across the line was it? A It is right in the edge of town.
Q Then, there was his place in the Cherokee Nation? A I am a little bit too fact, I think a man by the name of Reed first built it and Larkin got it away from him.
Q How far is Chetopa from the Cherokee line? A It is about two miles and a half.
Q Wherewas Larkins' place in the Cherokee Nation? A It was up Russell Creek about something near three miles.
Q Three miles from where he livednear Chetopa? A It is about four I guess.
Q He owned that place there all the time, Larkins place on Russell Creek? A No, he didn't stay there powerfully long.
Q Well, didn't he own the place I saw? A I don't think he owned it, it was down in somebody else' name.
Q What? A He didn't own it.
Q He was a noncitizen? A Yes, sir.
Q How far did you live from Larkins' place? A About seven or eight miles, seven miles I guess.
Q Didn't he cultivate that place all the time he lived up there near Chetopa? A Yes, he cultivated it or had it done.

Q That is before he moved down on it? A I don't know about that, I can't recollect.
Q Russell creek is right close to Chetopa, isn't it? A About three miles and a half.
Q Now, the Holderman place you speak of as being the old place Larkins moved to, that is in the Cherokee Nation, isn't it?
A Yes, sir.

J. R. HURST, being duly sworn, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A J. R. Hurst.
Q Where do you live, Mr. Hurst? A I live down at Claremore.
Q How old are you? A I am 48 yearsold.
Q Where were you raised? A I was raised, I was born up here at Chetopa Kansas, and principally raised right around there.
Q Well, you have been residing in the Territory pratcically and lived here the greater portion of your life? A Yes, sir, that was in the CherokeeNation then.
Q Where were you living when the war closed, Mr. Hurst, or near what place A I was living, let's see, in '66 we lived on Neosho river right at the mouth of Russell creek.
Q Well, after the war did you become acquainted with a man by the name of Larkins? A Yes, sir.
Q How long did you know him, from the time shortly after the war, until the time of his death? A Why I knew him; I think the first tije I ever met Mr. Larkins it was in '68.
Q Well, he was a United States citizen; I mean by that was he a Cherokee citizen or United states citizen? A He was a United States citizen.
Q Where was he when you met him, Mr. Hurst? A He was in Chetopa, Kansas.
Q After that time did you have any businesstransactions with Mr. Larkins? A I hired for him and worked two years.
Q Where did you work? A I worked right on the head of Elk Creek.
Q In the Cherokee Nation or where? A Cherokee Nation.
Q Whose place was it? A I think Boudinot claimed it;first it started in my name and afterwards I think Boudinot got it in his name.
Q Now, what year was that place started after you got acqauinted with Larkins in '68? A Yes, sir.
Q How long did you stay with Larkins on the place?
A I stayed there about two years.
Q Where did you go when you left ther ? A I went to Texas.
Q Do you remember about what year you went to Texas? A It was about '70.
Q I will ask you whether or not after you left Mr. Larkins place, which had been run in your name part of the time, to go to Texas, was any colored people working for Larkins on that place?
A Not that I know of, I worked on the place all the time; I had it in my possession and tended cattle, had 640 head of cattle.
Q When, if you know, did any colored people come around that ranch there, or if any come, before you went to Texas?
A There wasn't any come at all before I went to Texas.
Q And you went in 1870? A Yes, sir.
Q Do you know who that place belongs to now or have you been up there in a good many years? A No, sir.

MR. MELLETTE: I believe you said, Mr. Hurst, it was the old Boudinot place? A I don't know, I think Boudinot owns it, afterwards.
Q Any land in cultivation on it? A Yes, sir, afterwards.
Q I am not talking about afterwards, I mean while you were there?
A Oh, yes, we broke out about 160 acres while I was there.
Q Well, you stayed there just about a year? A About two years.
Q Were you confined closely about your work? A All the time, right there about the place, stayed right there.

Q How far is that from the Holderman place? A It must be about mile and a half or two miles, I don't know but what the Holderman place joins it now.
Q Did you keep track of everybody that was there in that country?
A Why, at that time I did.
Q How far did your range extend, how far did you know the people?
A Well, my range extended from Neosho river over to the head of Cabin creek.
Q You watched everybody that came in? A I knowed everybody, nearly everybody.
Q Have you ever been convicted of any crime?
Mr. Davenport: I object to that.
Commission: The objection will be noted, and answer the question.
Q Were you convicted? A Yes, sir.
Q Were you sent to the penitentiary? A Yes, sir.
Q Where from? A I was sent from Oswego, Kansas.
Q How long ago? A Let's see, it was in '74.
Q What charge? A Grand Larceny.
Q How long did you serve? A Five years
Mr. Mellette: I ask that his testimony be stricken out?
Commission: The objection will be noted, and the testimony will be considered for what it is worth.
MR. DAVENPORT: Did you serve your time? A Yes, sir.
Q You were in charge of the ranch for Mr. Larkins? A Yes, sir.

GRANDVILLE CRAIG, being duly sworn, testified as follows, on part of Cherokee Nation:
MR. DAVENPORT: What is your name? A Granville Craig.
Q Where do you live, Mr. Craig? A Big Cabin.
Q What is your post office? A Bluejacket.
Q How old are you? A 50.
Q How long have you lived in the neighborhood of Bluejacket?
A Since '75.
Q How far do you live from Timbered Hill out west of Bluejacket?
A About a mile.
Q How long have you lived in that section? A All the time.
Q When you came down in that country in 1873 who was living in that country? A Nobody.
Q Do you know Eliza Gaines? A Yes, sir.
Q How long have you known her? A Since '82.
Q Where was she when you first got acquainted with her? A Right there where she lives now.
Q Did they have improvements when you got acquainted with them, and what was the circumstance of your seeing them? A They was building a cabin there.
Q How far is that from where you live? A About three miles.
Q You had been living up in that country from '72 or '3 up until now? A Yes, sir.
Q What had you been doing there? A Farming and live stock.
Q Had they lived in that neighborhood from the time you went in there until you saw them there building that cabin in 1882?
A No, sir.
Q You don't know where they came from? A No, sir.
Q Did you ever know a man by the name of Larkins that lived up there by Chetopa? A Yes, sir.
Q Where was he living when you got acquainted with him?
A In Chetopa, right at the edge of Chetopa.
Q Do you know where he had that ranch down there on Russell creek?
A I could not say what time he run the ranch there
Q How far is that from this Timbered Hill where you live?
A That is some 12 or 14 miles.

Q Do you know whether he was handling that ranch after the M. K. & T. railroad came through or before A I think he was handling it at the time the railroad came through and some time afterwards.
Q You don't remember when he began? A No, sir.
MR. MELLETTE: Well, Mr. Craig, you spoke of knowing Eliza Gaines living at the place she is living now? A Yes, sir.
Q She located there in '82? A Yes, sir.
Q And lived there continuously since that time? A Yes, sir.
Q That is in the Cherokee Nation? A Yes, sir.
Q You don't know where she lived before that? A No, sir.
MR. DAVENPORT: Do you know any of her family, to show it was the same Eliza Gaines; do you know any of their children?
A Yes, sir, I know some of them, I know John Nash and Ed and used to know two or three girls that walked around there over the country

C. C. YOUNG, being duly sworn, testified as follows, on part of Cherokee Nation:
MR. DAVENPORT: What is your name? A C. C. Young.
Q Where do you live, Mr. Young? A Two miles west of Bluejacket.
Q How old are you? A 50 years old.
Q How long have you lived in that neighborhood, Mr. Young? A Since '81.
Q How far do you live from what is known as Timbered Hill northwest of Bluejacket, or west of Bluejacket? A I live about a quarter of a mile northeast if the main timbered Hill.
~~Q~~ How long have you lived there at that place?
A Settled there in '81.
Q When you built there were there any colored people living near where you built? A Yes, sir.
Q Do you know Eliza Gaines? A Yes, sir.
Q Do you know any of her family? A Yes, sir.
Q That were their names? A I know John, Eliza, Malinda.
Q What does John go by? A Name of John Nash.
Q Now, when did they come into that country and establish any improvements? A The first I knoew of them they come there in '82; I seen them go over there in the Spring of '82 in an ox team and in the fall of '82 they put up a small cabin.
Q In the fall you say they come from what direction were they coming? A They was coming a little southeast.
Q And they came back in the fall and located that year? A Yes, sir.
Q How far did they locate from where you had your place, Mr. Young?
A About a mile west.
Q They have been living there since that time? A Yes, sir.
MR. MELLETTE: You don't know where they lived before that?
A Well, some of them said they lived over in the Jenkins settlement.
Q Where is that? A That is west of Timbered Hill.
Q That is in the Cherokee Nation is it? A Yes, sir.

J. W. CLARK, being duly sworn, testified as follows on behalf of Cherokee Nation:
MR. DAVENPORT: What is your name? A J. W. Clark.
Q Where do you live, Mr. Clark? A I live in the Territory here, you may call my home here in Vinita.
Q Your wife stays here doesn't she? A Yes, sir.
Q How old are you? A I am 58 years old.
Q Were you living in the Cherokee Nation at the close of the war, Judge? A Yes, sir, lived here all my life.
Q What place were you living? A When the war closed?
Q Yes. A I was soldier at Fort Gibson, mustered out there last May, '65.
Q Well, after you were mustered out where did you go? A I lived on Grand river in the vicinity of where I am living now.

Q Well, did you afterwards have anything to do in latter years as what is known as the Hooley Bell place? A Hooley Bell place now, but wasn't then; I lived about seven or eight miles then, it was known as the Joe Martin place then, that is the Hooley Bell place
Q Well, were you on that place or had anything to do with it the year after the war? A Yes, sir, I had a bunch of cattle there from August to september.
Q What year? A '66.
Q Was any land in cultivation? A No, sir, the rails had all been burned by the soldiers and people passing and before the house was built there, there wasn't nothing there but a stockade built there during the war, there was a right smart of trouble around there and built a Fort there.
Q Was there any cultivated land there in '67? A There was not any, Captain Bell movedback on the place in the fall of '67.

L. B. BELL, being duly sworn, testified as follows on part of Cherokee Nation:
MR. DAVENPORT:
Witness: L. B. Bell; 62; Vinita.
Q Where were you living at the close of the war, Mr. Bell?
A My family was in Russ County, Texas, I reckon I was living there.
Q When did you come back to the Cherokee Nation? A I come back here in 1867.
Q Well, when did you move to the place which is known as the Joe Martin place, just after the war; what is now known as Hooley Bell place? A Well, I moved up to that Joe Martin place at the crossing of the Military road on Cabin Creek, in Tahlequah district; I think I moved into the house in November 1867, I built the house there.
Q That the place they had a kind of a Fort there at the time of the war? A Yes, sir, there was a stockade there.
Q Had you any improvements made on that place in 1867? A No, I will tell you, I moved here in 1867 and made a crop about eight or ten miles down below that place on the same side of Grand river, and on Grand river, and I built my house there, or commenced it in September or October and finished it in November and moved in it in November; there was no house there, there was no field there, the old field, the plowed ground that had been before that, but there was no fence around it.
Q Do you know Eliza Gaines? A No, sir.
Q Do you know whether or not she and her family cut any corn for you since the war? A Well, along about 1869 is when I raised a crop there, I guess she come, there was some negros there that belonged to old John Stober, stopped and cut the corn.
Q Do you know from what direction they came when they came up there; did you have any conversation as to where they came from? A No, sir, I wasn't at home and my wife hired them to do the corn cutting and I got there about the time they got through; that is my understanding is they was right up from Fort Gibson, moving home, but I don't have any distinct recollection of having had any conversation with them directily about where they had come from, or as to whether they had just come into the country or not.
Q It was the first corn crop you had cut on the place? A Well, I told you I didn't have any field there; in 1867 I made a little patch, in '68 probably three or four acres and didn't have anything like a field until '69, it was in '68, is my recollection when they cut that corn; that is when I had the corn cut, and I understood it was these Stover negroes that done the cutting.
MR. MELLETTE: Now, Col. Bell, Eliza Gaines belonged to John Stover, a Cherokee, at the beginning of the war, didn't she?
A I said a while ago I didn't know Eliza Gaines. I lived in the neighborhood and John Stover he had a lot of slaves and I understood from them that they was John Stover's slaves and I so took it, and believe it yet.

Q Well, now, when you see Eliza Gaines after the war? A. I don't know that I ever saw Eliza Gaines after the war.
Q Well, now, Col. Bell, you made an application for her before the Wallace Court? A I guess I did.
Q When John W. Wallace was making a roll of Cherokee Freedmen and you made an affidavit-

Mr. Davenport: I object to it unless he is going to introduce the affidavit.

Mr. Mellette: I am going to introduce the affidavit.

Q When did you say you saw them? A In '68 I don't remember that I had any corn before that.
Q I will ask you if you didn't make this affidavit before John W. Wallace, U. S. Commissioner, who was makeing a roll of the Freedmen? Now I will read you your affidavit: "In the matter of the claim of Eliza Gaines: L. B. Bell, being sworn, states that to the best of his recollection she was a slave and belonged to one John Stover, who lived in ~~xxxxx~~ Delaware District for many years near (two miles) of where he lived in the Cherokee, and that he has had said Eliza Gaines in his employ in about the year 1867 or 1868. I am a citizen of the Cherokee Nation have been such all my life. (Signed) L. B. Bell.

Note: L. B. Bell is a member of the Cherokee National Council/

Subscribed and sworn to before me this September 11th, 1889.

John W. Wallace, Commissioner."

A The only employment I recollect of giving her, that is the woman who claims to be that woman was to out this corn.
Q Now, Col. Bell, this is a certified copy of your affidavit from the Secretary of the Interior and wasn't your recollection better then of the matter than it is now? A I don't know. Well, my recollection is no better then than it is now about the crop raising to a certainty, as I said a while ago it could not have been earlier than 1868 I cut the corn and I never lived on the place until 1868.
Q You stated here in this affidavit it was about '67 or '68, you don't put it as early as '67 now? A It could not have been '67, I don't have any recollection of employing her, if she is the woman I employed, in any other capacity except cutting that corn, and I don't think they stayed there only a few days.
Q Did you know Nancy Demeron, she was a witness for Eliza Gaines before Mr. Wallace at the same time you were? A Yes, sir.
Q was she a Cherokee Indian? A Yes, sir, she was John Stover's daughter.
Q Is she dead or alive? A She is dead I think she resided in this town here.
Q I have here a statement of Eliza Gaines made before John W. Wallace? U. S. Commissioner, on the 11th day of September, 1889, stating that she was a slave of John Stover, a Cherokee Indian, at the begin ing of the war, that she left the Cherokee Nation during the war, and that she returned to the Cherokee Nation in 1866; also giving the names of her children, I want to introduce a certified copy from the Secretary of the Interior.

Mr. Davenport: The representatives of the Cherokee Nation object to the introduction of the statement of Eliza Gaines before the Wallace Court for the reason that it is incompetent and immaterial; she, Eliza Gaines, being alive and having testified in her original application in this case.

Mr. Mellette: I ask now to introduce the affidavit of Nancy Demeron, who is dead, which affidavit is as follows:

Mr. Davenport: The representatives of the Cherokee Nation object to the introduction of the affidavit for the reason that it is an ex parte statement of the witness and not a proceeding in Court taken after due notice to all parties

interested, and because of the further fact that it is incompetent and immaterial, and there are living witnesses by whom the same facts can be established--Mrs. Dameron's sister and others are now living, who knew the same facts that Mr. Dameron knew and one of whom is now in the town of Vinita for the purpose of giving evidence in cases to-day.

Commission: The objection will be noted, and affidavit will be filed and considered for what it is worth.

Mr. Mellette: Now, the Attorney for the Applicant files the affidavit of Nancy Dameron, which is certified to as correct by the Commissioner of Indian Affairs.

Commission: This testimony will be made part of the record in the following Freedmen cases. D.#221, D.#221, D.#222, D.#223, D.#224, D.#225, D.#226, D.#227, D.#228, D.#229, D.#230, #D.307, D.#247, D.#328, D.#231, D.#232, D.#716, and also in the case of Eliza Gaines, D.#220.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this October 19th, 1901.

Commissioner.

Supl. Order, C.F.-D.#436.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 15th, 1901.

SUPPLEMENTAL PROCEEDINGS in the matter of the enrollment of William Townsend as a Cherokee Freedman:

APPEARANCES:
Mr. Smith, of Counsel for applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

Commissioner Needles;
The testimony taken in Cherokee Freedman doubtful case #432 will be made part of the record in Cherokee Freedman doubtful case #438.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this October 19th, 1901.

Commissioner.

COMMISSIONER
DEC 9 1901

Boston Station.

"Washington, D. C., December 9, 1901.

"Yesterday afternoon Chief Engineer Wilkinson, of the Yukon Telegraph and Telephone Company, left for Dawson, Alaska, by way of Seattle, Skagway, White Pass and Yukon Route. Mr. Wilkinson is a graduate of Yale University, class of 1897, and has been with the Company since its organization. He is a member of the Institute of Electrical Engineers, and is a member of the Institute of Electrical Engineers, and is a member of the Institute of Electrical Engineers, and

To be filed in C.F.-D.#436, Blanche Wilson et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., May 29, 1901.

In the matter of the application of Aaron Whitmire for the enrollment of himself, his wife and two grandchildren as Cherokee Freedmen.

Aaron Whitmire, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Aaron Whitmire.
Q How old are you? A I am about 67 years I guess.
Q What is your post office? A Coody's Bluff.
Q In what district do you live? A Line in Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for the enrollment of anybody besides yourself? A Yes, I have got a son and daughter here.
Q Are they over 21 years of age? A Yes, sir.
Q Both of them? A Yes, sir.
Q They must apply for themselves. Then you only want to apply for yourself? A Only for myself.
Q You have no wife? A Well, I have two orphan boys and a wife.
Q Have you a wife? A Yes, sir.
Q Don't you want to apply for her? A Yes, sir.
Q You want to apply for your wife and two orphan boys? A Yes, sir, grandchildren.
Q They are living with you, are they? A Yes, sir.
Q Are they under 21 years? A Yes, they are under 21.
Q Unmarried, are they? A Yes, sir.
Q And both living with you now? A Yes, sir.
Q Now that is all, is it? A Yes, that is all.
Q How long have you lived in the Cherokee Nation? A Well, I have been living here all my life, since the war I have been living here 34 years.
Q Were you a slave in the Cherokee Nation at the time the war broke out? A Yes, sir, I was a slave.
Q To whom did you belong? A George Whitmire.
Q Give me the name of your father? A Major Wright was my father.
Q Is he dead? A Yes, he is dead.
Q Give me the name of your mother? A Peggy Whitmire was my mother, she is dead.
Q How long has your father been dead? A Well, I don't know just exactly, but been twelve or fifteen years about.
Q Was your father a Cherokee Freedman? A Yes, sir.
Q You say your mother is dead? A Yes, sir.
Q How long has she been dead? A She has been dead about 18 years.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Give me the name of your wife? A Ann.
Q How old is your wife? A She is about 66 I guess.
Q Is she a Cherokee Freedman of her own right? A No, she is a Choctaw Freedman.
Q Well, hasn't she been enrolled as a Choctaw? A No, sir.
Q Have you applied to have her enrolled as a Choctaw? A No, she has never done it.
Q Where did you marry her? In the Choctaw Nation? A I married her here in the Cherokee Nation.
Q When did you and she marry? A It has been 22 years ago.
Q Has she lived with you ever since here in the Cherokee Nation? A Yes, sir.
Q Were you ever married before you married this wife? A Yes, sir.
Q How many times? A Once.
Q Was your former wife dead when you married this wife? A Yes, sir.
Q Was your wife Ann ever married before she married you? A Yes, she was married once that I know of.

Q Was her former husband dead when she married you? A I can't tell you that, she married before she come here.
Q Had she any children by her former marriage? A No, sir, she hasn't got any yet.
Q Do you know the name of her former husband? A No, sir, I don't.
Q Give me the names of your two grandchildren? A Needham is the oldest one.
Q Needham what? A Needham Whitmire.
Q How old is he? A He is about 17, going on 17.
Q Give me the name of the next child? A George Aaron Whitmire.
Q How old is that child? A He is 14 I guess.
Q Give me the name of the father of these children? A Nelson.
Q Your son Nelson? A Yes, sir.
Q He is dead you say? A Yes, sir.
Q How long has he been dead? A About 12 years.
Q He was a Cherokee Freedman was he? A Yes, sir.
Q Give me the name of the mother of these children? A Rachel Brown she went by.
Q These are her children by marriage with your son Nelson?
A Yes, sir.
Q How long has Rachel been dead? A About three years I guess.
Q How long were they married before Needham was born? A About a gues (year) I guess.
Q Do you know that your son and this woman Rachel Brown were married? A Yes, sir, I do.
Q Was your son ever married before he married her? A No, sir.
Q Was she ever married before she married him? A No, sir.
Q Did they live together as husband and wife until parted by death? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants identified thereon as follows:
Aaron Whitmire on page 199, No. 3209, Cooweescoowee District.
Ann Whitmire on page 199, No. 3210, Cooweescoowee District.
Nelson Whitmire on page 199, No. 3212, Cooweescoowee District.

Q Now Rachel Brown, was she a Cherokee Freedman? A Yes, sir.

Rachel Brown not on 1880 roll.
The 1896 census roll of Cherokee Freedmen examined and the applicants identified thereon as follows:
Aaron Whitmire on page 427, No. 735, Cooweescoowee District.
Ann Whitmire on page 427, No. 736, Cooweescoowee District; note: "Choctaw Freedman."
Needham Whitmire on page 427, No. 738, Cooweescoowee District, as Nuthen Whitmire.
George ~~Whitm~~xx Aaron Whitmire on page 427, No. 739, Cooweescoowee District.

Q You say you have never applied to have your wife Ann enrolled as a Choctaw? A No, sir.
Q Nor with any nation or tribe except as a Cherokee? A No, sir.

By W.W.Hastings: Cherokee Attorney: Your wife belonged in the Choctaw Nation before the war A Yes, sir.
Q She belonged to a citizen of the Choctaw Nation? A Yes, sir.
Q She never lived in the Cherokee Nation prior to the war? A No, sir.
Q When did she come up to the Cherokee Nation? A Came up in '68 or '69, somewheres along there.
Q That is the first time she was ever in the Cherokee Nation?
A That is the first time I ever knowed of.
Q Your wife never laid claim to be a Cherokee Freedman of her own right, did she? A No, sir.
Q She doesn't now? A No, sir.
Q I suppose you did the enrolling for the family in 1880? A Yes, I guess I did.
Q You remember who took the census in that year? A I think I do, John Hicks and Dick Duck.
Q Did you know your wife's name was on the roll of 1880? A No, sir.

Q You don't know how come it on there? A No, sir, I don't know how come it on there.
Q Do you know whether you gave it in or not? A No, I don't recollect whether I gave it in or not or whether she gave it in.
Commissioner: You were married at the time the war closed were you? A Yes, sir.
Q What was the name of your wife at that time? A Sarah.
Q About how long after the war was it when she died? A She died in 1874 I think.
Q And then you married again in 1876? A Yes, sir.
Q Your wife you state is a Choctaw Freedman? A Yes, sir.
Q Now ~~have~~ had you made up your mind how to apply for her? A No, I hadn't just exactly made it up, but I just wanted to apply for my wife.
Q You just wanted to apply for her in which ever way her rights might prove to exist? A Yes, sir.

Commissioner: The applicant applies for the enrollment of himself, his wife and two grandchildren. The applicant is identified on the rolls of 1880 and 1896 as a Cherokee Freedman. He has lived in the Cherokee Nation all his life, and he will be listed for enrollment as a Cherokee Freedman. His two grandchildren for whom he makes application are named respectively Needham and George A. Whitmire. These are the children of the applicant's deceased son, Nelson Whitmire. The father of these children is duly identified on the roll of 1880, and it appears that the father and mother of the children were lawfully married, and lived together until separated by death, the mother also being dead at this time. These two grandchildren are duly identified on the roll of 1896, and they will now be listed for enrollment as Cherokee Freedmen; they are alive and are living with the applicant at this time.

As for the applicant's wife, she is identified on the roll of 1880; he states that she is a Choctaw Freedman. She is identified with the applicant on the roll of 1896, as a Choctaw Freedman. It appears that they were married in the Cherokee Nation some 22 years ago, and have lived together ever since. She seems to have come to the Cherokee Nation about theyear 1868. It appears that she was married at least once prior to her present marriage, and the applicant is of the opinion that her former husband was dead when he and his wife married, but his information is not certain upon this point. For the further consideration of the applicant's wife under the conditions stated, she will now be listed for enrollment, at present being classed as a Cherokee Freedman, on a doubtful card. The applicant has never had any children by this wife. The final decision of the Commission in regard to the applicant's wife will be made known to him at his post office address.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 30th day of May, 1901.

(Signed) C. R. Breckinridge,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 6th day of December, 1901.

J. M. D. Green
Notary Public.

CHOCTAW FRED

20

IN RE

Application for Enrollment of

INFANT CHILD

[illegible]

as a citizen of

THE [illegible] Nation

Approved, [illegible] 190[illegible]

[illegible]
Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 10 1901

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Emma Wilson (Here insert name of child), born on the day of , 1

Name of Father: Geo Wilson, a citizen of the M. S. ~~Nation~~.

Name of Mother: Eliza Wilson, a citizen of the Cherokee Nation.

Post-office, Vinita.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, , on oath state that I am

years of age and a citizen, by , of the Nation;

that I am the lawful wife of , who is a citizen, by

, of the ? Nation, that a (male or female) child was

born to me on the day of 1 ; that said child has been

named , and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this day of 190 .

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Ella Hennes, a Midwife, on oath state that I

attended on Mrs. Eliza Wilson, wife of Geo Wilson,

on the 4th day of March 1897, 1 ; that there was born to her on

said date a female (male or female) child; that said child is now living and is said to have been

named Emma Wilson.

Ella Hennes

WITNESSES TO MARK

(Must be Two Witnesses)

L. J. Tibbils

D. Meredith

Subscribed and sworn to before me this 31st *day of* May *190*1.

L. J. Tibbils
NOTARY PUBLIC

CHEROKEE FIELD OFFICE

20

IN RE

Application for Enrollment of

INFANT CHILD

[illegible]

as a citizen of

CHEROKEE Nation.

Approved, [illegible] 1901

[illegible]

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 10 1901

[illegible]

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Minnie Wilson, born on the day of , 1 ...
Here insert name of child

Name of Father: Leo Wilson, a citizen of the U.S. Nation.

Name of Mother: Eliza Wilson, a citizen of the Cherokee Nation.

Post-office, Vinita

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA.
INDIAN TERRITORY.
District.

I, , on oath state that I am years of age and a citizen, by , of the Nation; that I am the lawful wife of , who is a citizen, by , of the Nation, that a (male or female) child was born to me on the day of 1 ; that said child has been named , and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this day of 190 .

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA.
INDIAN TERRITORY.
Northern District.

I, Melvina Alberty, a Midwife, on oath state that I attended on Mrs. Eliza Wilson, wife of Leo Wilson, on the 22" day of February 1891, 1 ; that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Minnie Wilson.

Melvina her x mark Alberty

WITNESSES TO MARK

(Must be Two Witnesses) L. J. Tibbile
Ella Jones

Subscribed and sworn to before me this 31st day of May *1901.*

W. A. Tibbiles
NOTARY PUBLIC

CHEROKEE FREEDMEN #430

IN RE

Application for Enrollment of

INFANT CHILD

[illegible]

as a citizen of

CHEROKEE Nation

Approved, [illegible] 1901

[illegible] *Commissioner.*

FILED
JUN 10 1901
COMMISSION TO THE FIVE CIVILIZED TRIBES

BIRTH AFFIDAVIT. 20 1

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Florence Wilson (Here insert name of child.) born on the day of , 1

Name of Father: Dud Wiley, a citizen of the U S ~~Nation~~.

Name of Mother: Eliza Wilson, a citizen of the Cherokee Nation.

Post-office. Tahlequah I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY. District.

I, , on oath state that I am years of age and a citizen, by , of the Nation; that I am the lawful wife of , who is a citizen, by , of the Nation, that a (male or female) child was born to me on the day of 1 ; that said child has been named , and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this day of 190 .

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY. Northern District.

I, Melvina Alberty, a Midwife, on oath state that I attended on Mrs. Eliza Wilson Nee Mingo, wife of Dud Wiley, on the 25 day of December 1887, 1 ; that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Florence Wilson.

Melvina her X mark Alberty

WITNESSES TO MARK

(Must be Two Witnesses) L. J. Tibbile, Ella Barnes

Subscribed and sworn to before me this 31 *day of* May 190 .

W. H. Dobbins NOTARY PUBLIC

JGR

Cherokee FD-436

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T. June 23, 1904.

In the matter of the application for the enrollment of Blanche, Minnie and Emma Wilson as Cherokee Freedmen.

SUPPLEMENTAL TESTIMONY.

ARTHUR RILEY, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Arthur Riley.
Q How old are you? A 26.
Q What is your post office? A Chelsea.
Q You claim to be a Cherokee citizen do you? A Yes sir.
Q Are you married? A Yes sir.
Q Have you married since you were enrolled? A Yes sir.
Q What is your wife's name? A Blanche Wilson.
Q She claims to be a Cherokee Freedman? A Yes sir.
Q When were you and she married? A The 24th day of October, 1903.
Q Are you and she living together now? A Yes sir.
Q Have been living together ever since you were married? A Yes sir

---

Mary B. Risser, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correcty recorded the supplemental testimony in this case and that the foregoing is a true and complete transcript of her stenographic notes therein.

Mary B Risser

Subscribed and sworn to before me
rthis 25th day of June, 1904.

J. Rosson
Notary Public.

MHR

Cherokee Freedman D-430.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Blanche Wilson, Winnie Wilson and Emma Wilson as Cherokee Freedmen.

DECISION.

The record herein shows that Ella Humes appeared before the Commission at Chelsea, Indian Territory, on May 29, 1901, and made application for the enrollment of her minor nieces, Blanche Wilson, Winnie Wilson and Emma Wilson, as Cherokee freedmen. A copy of the testimony taken at Vinita, Indian Territory, at different times in Cherokee Freedman D-220, and a copy of the testimony of Aaron Whitmire, taken at Chelsea, Indian Territory, May 29, 1901, in Cherokee Freedman D-432, are filed herewith and made a part of the record in this case.

The evidence in this case shows that the applicants, Blanche, Winnie and Emma Wilson, are the minor children of and claim their right to enrollment through their mother, Eliza Wilson (nee Mango), who was the daughter of one Rosa Mango. The Commission has found in the case of Eliza Parks, Cherokee Freedman D-220, et al., that the said Rosa Mango was the slave of a Cherokee citizen at the commencement of the rebellion and was living in the Cherokee Nation on July 19, 1866.

It also appears that the said Eliza Wilson was born since the commencement of the rebellion and lived with her mother in the Cherokee Nation in 1866.

It further appears that the applicants herein were residents in good faith of the Cherokee Nation on June 28, 1898.

It is, therefore, the opinion of this Commission that Blanche Wilson, Winnie Wilson and Emma Wilson should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

MAY 13 1905

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Blanche Wilson,
Vinita, I. T.
Cherokee F-D-436
Register.

COPY.

Cherokee Freedmen

D-436.

Muskogee, Indian Territory, May 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 10, 1905, granting the application for the enrollment of Blanche Wilson, et al., as Cherokee freedmen.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.

Chairman.

Incl. S-18

COPY.

Cherokee Freedmen

D-436.

Muskogee, Indian Territory, June 2, 1905.

Ella Humes,

Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for the enrollment of Blanche Wilson, et al. as Cherokee freedmen.

You are advised that allotment selections cannot be made for the said Blanche Wilson, et al. until their names have been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action they will be duly notified.

Respectfully,

Commissioner in Charge.

Incl. S-22

COPY.

Cherokee Freedmen

D-436.

Muskogee, Indian Territory, June 2, 1905.

Blanche Riley,

Chelsea, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for the enrollment of yourself, et al. as Cherokee freedmen.

You are advised that you will not be permitted to make allotment selections until your names have been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which you will be duly notified.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Incl. S-21

REGISTER. 1122

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, $300.

No 307/788

Mrs. Blanche Tiger,

~~Vinita~~, Indian Territory.

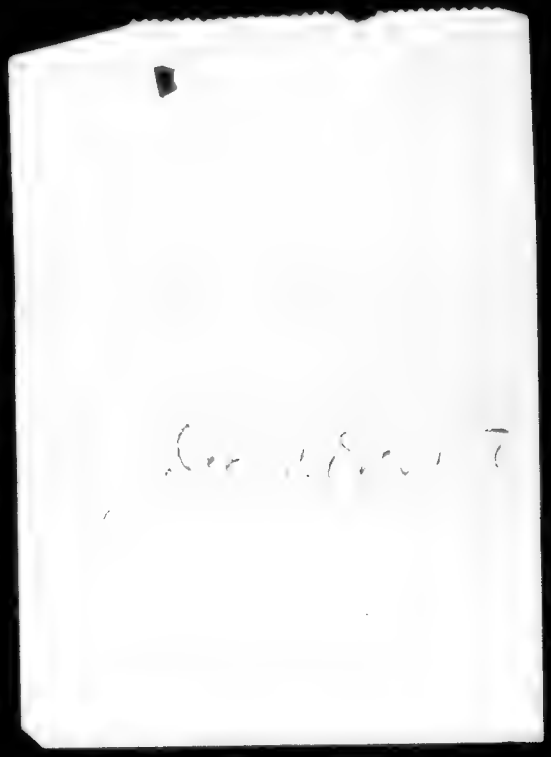
Department of the Interior.

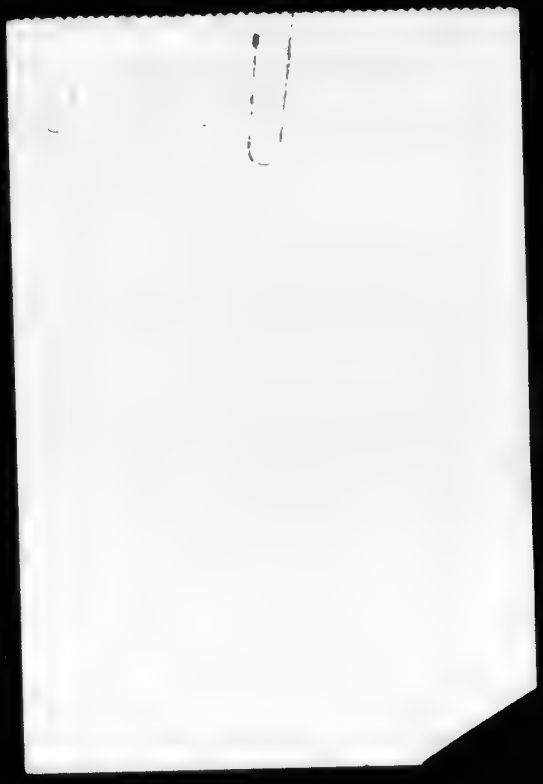
Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.





Cher Fr 1456
Trans. from Cher Fr D550

Cher Fr 1456

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6,1901.

In the matter of the application of Alfred P. Hopkins for the enrollment of his wife and eight children as Cherokee Freedmen, and for the enrollment of himself as an intermarried Cherokee Freedman; being sworn and examined by Commissioner [redacted] Needles, he testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for applicant.
Mr. W.W.Hastings, For the Cherokee Nation.

Q What is your name? A Alfred P. Hopkins.
Q What is your age? A 43.
Q What is your post-office address? A Collinsville, Indian Terr'y.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A As intermarried Freedman.
Q Are you married? A Yes sir.
Q What is your wife's name? A Delilah Vann, it was before we were married, her name is Delilah Hopkins now.
Q How old is she? A I think she is 32.
Q Who do you apply to have enrolled besides yourself? A My wife and eight children.
Q Give me the names of your children? A Florence B. Hopkins.
How old is she? A She will be some time this year, 16.
Q Next child? A Ira S. Hopkins.
Q How old is she? A It is a he.
Q Well, how old is he? A He is 13.
Q Well, go on and give me the names and ages? A Lucinda, she is 12; and Gussie, a girl, she is 10; and Johnnie, a girl
Q How old is Johnnie? A Eight. Nancy, she is 6; Alfred, 4; Lena, 2.
Q What is the name of your wife's father? A Robert Vann I think, I never saw him.
Q What is the name of her mother? A Flora Murrell.
Q Robert Vann living? A No sir, I guess not.
Q When were you married? A I don't know what year it was in, it was the first year that Joel Mayes run for chief.
Q Have you any proof of your marriage? A Yes sir.
Q What proof have you got, got a certificate? A No sir, I got it burned when my house was burned.
Got witnesses, have you? A Yes sir.
Q Is your wife's name on the roll of 1880, do you know? A Not that I know of.
Q Flora Murrell is now the wife of Nelson Murrell? A Yes sir.
Q Did your wife draw Strip money? A Yes sir.
You are a non-citizen are you? A Yes sir.
Q What is known as a state man? A Yes sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 125 #3102 Lilah Hopkins, District not given.

Q Did you draw Strip money for Florence? A No sir.
Q Why not? A I don't know sir.
Q Did you draw for Ira? A Yes sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined for applicant's children and Florence not found,
page 125 #3110 Ira Hopkins, (No district)
page 125 #3111 Lucinda Hopkins, (No district)
page 125 #3113 John Hopkins, (No district)

Kerns-Clifton roll examined for Nancy, applicant's child, and not found;
page 125 #3112 Gussie Hopkins, (No district)

Q Is Florence your child? A Yes sir.
Q The oldest child is it? A Yes sir, the oldest child.

Wallace roll of citizensof the Cherokee Nation examined and applicants identified thereon as follows:
page 117 # 2466 Delia B. Hopkins, Cooweescoowee, Note: "~~Family~~ Formerly Vann."

Wallace roll of citizens of the Cherokee Nation examined for child Florence, and name not found.

Q Did she (Florence) ever go by any other name besides Hopkins?
A No sir.
Q What is her middle name? A Bell.

Examined by Attorney Smith:

Q Where did you marry, Mr. Hopkins? A The first time I was married I was married up here on Snow Creek.
Q Who were you married to? A The same wife I have got now.
Q Well, did you marry her more than once? A Yes sir.
Q Where did you marry her the second time? A Gooselake Bend or Gooseneck Bend, I don't know which.
Q What did you say became of your marriage license or certificate?
A My house was burned--
Cherokee Rep've Hastings: Mr. Smith, that isn't exactly fair,- you stated license.
Q I mean his certificate; what was your statement awhile ago as to what was burned up in your house, what was burned? A It was a marriage license.
Q Where did you get it? A I got it from Will Cary, Clerk of Cooweescoowee District, William V. Cary I think he signs his name.
Q Who did that certificate authorize you to marry?
Cherokee Rep've Hastings: Objected to by the Representatives of the Cherokee Nation, because the record is the best testimony, and it is not shown that the record is lost.
Q When was your house burned? A It has been about 8 or 9 years ago, I don't remember now, it was March some time, eight or nine years ago, in March.
Q When had you gotten this license from William Carey? A I think it was the same year of that election, he said it was in '87 I think.
Q Did you have the marriage ceremony performed in accordance with that license? A
Cherokee Rep've Hastings: Objected to by the Representatives of the Cherokee Nation, because the law requires that a record be made of all license issued, and it is not shown that the record of the issuance of this license is lost.
Com'r Needles: ~~I mean in~~ Why can't you inquire if he has applied to the office to get a certified copy of these papers.
Smith, attorney for appl't: If the Court please, my view of that is t is: That we can't get either that license, which was lost, or a copy of it.
Q Have you applied to the Executive Office at Tahlequah for a copy of the marriage license which was burned in your house? A Never did sir.
Q When did you say you got a license? A I got the license in July and was married in August, in the year that Joel Hayes run for

chief the first time.

Cherokee Rep've Hastings: Which is admitted that it was in 1887.

Q How long have you lived in the Cherokee Nation yourself? A I come here in 1884.

Q Have you lived here continuously since that time? A Yes sir.

Q Where are you living now? A I live in the Cherokee Nation.

Q What is your post-office? A Collinsville.

Q These children whose names you have mentioned, where are they living? A They are at home, living about four miles from Collinsville.

Q What was your wife's name before she married you? A Delilah Vann

Q Who was her mother? A Flora Murrell.

Q Is she the same Flora Murrell who applied just before noon for the enrollment of herself? A Yes sir.

Q Nelson Murrell's wife? A Yes sir.

Examined by Cherokee Rep've W.W.Hastings:

Q Where was your oldest child, Florence, B. born? A Up on the Verdigris, between Snow Creek and Verdigris, in the Cherokee Nation.

Q Was every child you have applied for born in the Cherokee Nation? A Yes sir.

Q Every one? A Yes sir.

Q They are all living here now, A Yes sir.

Examined by Commissioner Needles:

Q Why didn't you draw Strip money for Florence? A I don't know sir, I don't know why she wasn't on the roll, I didn't enroll these children myself, my mother-in-law enrolled them.

Q These children are living at this time.

A Yes sir

Q All living with you? A Yes sir.

Q You have lived with your wife continuously since you married her? A Yes sir.

CherokeeRep've Hastings: The Representatives of the Cherokee Nation offer in testimony the decision of the Supreme Court ofthe Cherokee Nation, found on page 86 and 87, ofMinutes of Special Court of Commission, Supreme Court, 1871, including all of page 86 and the first three lines of page 87: Which is as follows:

"Tuesday morning, June 20th, 1871, Court convened.- Present same as yesterday-- the making out of Report continued until the Court announced the following decision Regarding Certain Colored Men who have married colored women of the Nation

To wit:-

The Court of Commission after mature reflection feel Authorized to decide against all Cases before it, Wherein Colored or Black men are claiming Citizenship ~~under~~ from marrying Black Female citizens under the law "Regulating Intermarriage with White men" as they are convinced a correct interpretation of said law will not Authorize a Clerk of any of the Courts to issue a License to a Black man to marry a Black woman as it only alludes to, and was intended for White men and Cherokee Women.

The Court believe it is further sustained in the opinion, the colored citizens are such by adoption, and as such, cannot confer rights upon others without further legislation upon the matter. Therefore decide,

The following named persons are not entitled to Cherokee Citi

Alfred P. Hopkins et al 4

izenship as claimed."

To-wit:

George Washington--Coo wee scoo wee Dist.
Henry Johnson Tah le quah "
Lee Cooper " "
Henry Bird " "
William Maddin " "
(_____) " "
Solomon Foster Illinois Dist.
William Hudson, Illinois Dist.
Haywood Youngblood, Sequoyah Dist.

Attorney Smith: The applicant objects to the introduction of the above testimony, for the reason that the record shows that the applicant or his wife or either of his children was not a party to the proceeding, if there was a proceeding as offered, and for the further reason that said matter does not constitute any sufficient record.

Comr Needles: Alfred P. Hopkins applies for the enrollment of himself, as an intermarried Cherokee Freedman, and for his wife as a Cherokee Freedman of her own right, and there are eight children, to-wit: Florence, B., Ira S., Lucinda, Gussie, Johnnie, Nancy, Alfred and Lena Hopkins; said Delilah, his wife, is duly identified upon the Kerns-Clifton and Wallace roll; the names of his children, Ira, Lucinda, Gussie and Johnnie are identified upon the Kerns-Clifton roll; satisfactory proof is made as to their residence; the applicant avers that his wife, Delilah, is a child of Flora Murrell, who was listed for enrollment this day upon doubtful card number 548, and the testimony taken in the matter of her application, to-wit, the testimony of herself, Bob Webber and Sam Webber, willbe made a part of the record in the case at bar, and a copy of said testimony of said Flora, Bob and Sam Webber which is filed in the application of Nelson Murrell and his wife Flora on D card 548, will be filed with the testimony taken in the matter of the application of the applicant; the applicant makes no satisfactory proof of his marriage according to the laws of the Cherokee Nation, which he will be required to do, and because of the fact that Florence B., Nancy Alfred and Lena's names are not identified upon any rolls of the Cherokee Nation, it will be necessary for the applicant to make satisfactory proof as to their birth, Albert P. Hopkins will be duly listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card, and his wife and children as enumerated herein will be listed for enrollment as Cherokee Freedmen on a doubtful card, awaiting the further consideration of the Commission, and he will be notified by mail of the further action of the Commission, when consummated.

------*****------

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 8, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 6 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 6 1901

Post Office Tahlonville, I.T.

District Tooweescoowee

1. Name [illegible] Age 43

Owner's name Citizenship

Year Page No. District

Parents:

Father [illegible] Citizenship

Mother [illegible] Citizenship

2. Name of wife [illegible] Age [illegible]

Owner's name Citizenship

Year [illegible] Page 195 No. 3117 District no dist

Parents:

Father [illegible] - dead Citizenship Creek

Mother Flora Murrell living Citizenship "

Names of Children:

		Year	Page	No.	Dist.	
3.	Florence B. [illegible]					16
4.	Ira "	Year [illegible]	Page 195	No. 3116	Dist. no dist	13
5.	Amanda "	Year [illegible]	Page 195	No. 3115	Dist. " "	10
6.	Lussie "	Year [illegible]	Page 195	No. 3117	Dist. " "	17
7.	Minnie "	Year [illegible]	Page 195	No. 3113	Dist. " "	8
8.	Nancy "	Year	Page	No.	Dist.	6
9.	Alfred "	Year	Page	No.	Dist.	4
10.	Lena "	Year	Page	No.	Dist.	2
11.		Year	Page	No.	Dist.	
12		Year	Page	No.	Dist.	

Application made by [illegible] Stenographer [illegible]

[illegible]

[illegible] D548

[illegible]

CHEROKEE FREEDMAN. D550

20

IN RE

Application for Enrollment of

INFANT CHILD

Florence B. Hopkins

as a citizen of

CHEROKEE Nation.

Approved, JUN 21 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Florence B. Hopkins (Here insert name of child.) born on the 2nd day of September, 1885

Name of Father: Alfred P. Hopkins, a citizen of the Cherokee Nation.

Name of Mother: Delilah Hopkins, a citizen of the Cherokee Nation.

Post-office, Collinsville I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY.
Northern District.

I, Delilah Hopkins, on oath state that I am 32 years of age and a citizen, by Cherokee freedman of the Cherokee Nation; that I am the lawful wife of Alfred P. Hopkins, who is a citizen, by marriage, of the Cherokee Nation, that a female (male or female) child was born to me on the 2nd day of September 1885; that said child has been named Florence B. Hopkins, and is now living.

Delilah Hopkins

WITNESSES TO MARK (Must be Two Witnesses)

Subscribed and sworn to before me this 10th day of June 1901.

Jas. M. Hale
NOTARY PUBLIC
My Com. Exp. May 22 1903

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY.
Northern District.

I, Flora Murrell, a midwife, on oath state that I attended on Mrs. Delilah Hopkins, wife of Alfred P. Hopkins, on the 2 day of September, 1885; that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Florence B. Hopkins.

Flora her X mark Murrell

WITNESSES TO MARK (Must be Two Witnesses)
Alfred P. Hopkins
C. F. Vann

Subscribed and sworn to before me this 20 day of June 1901.

Louis T. Brown
NOTARY PUBLIC

CHEROKEE FREEDMAN. D550

20

IN RE

Application for Enrollment of

INFANT CHILD

Nancy Hopkins

as a citizen of

CHEROKEE Nation

Approved, JUN 11 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Nancy Hopkins, born on the 11th day of November, 1895
(Here insert name of child)

Name of Father: Alfred P. Hopkins, a citizen of the Cherokee Nation.

Name of Mother: Delilah Hopkins, a citizen of the Cherokee Nation.

Post-office, Collinsville I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY.
Northern District.

I, Delilah Hopkins, on oath state that I am 32 years of age and a citizen, by ~~Cherokee Freedmen~~ the Cherokee Nation; that I am the lawful wife of Alfred P. Hopkins, who is a citizen, by marriage, of the Cherokee Nation, that a female (male or female) child was born to me on the 11th day of November 1895 that said child has been named Nancy Hopkins, and is now living.

Delilah Hopkins

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 10th day of June 1901.

Jas. M. Hare
NOTARY PUBLIC
My Com. Exp. May 25-1903

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY.
Northern District.

I, Mrs Belle Ikenberry, a midwife, on oath state that I attended on Mrs. Delilah Hopkins, wife of Alfred P. Hopkins on the 11th day of November, 1895; that there was born to her on said date a (male or female) child; that said child is now living and is said to have been named Nancy Hopkins

Belle Ikenberry

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 10th day of June 1901.

Jas. M. Hare
NOTARY PUBLIC
My Com. Exp. May 25 1903

CHEROKEE FREEDMAN. D550

20

IN RE

Application for Enrollment of

INFANT CHILD

Alfred Hopkins

as a citizen of

CHEROKEE, Nation.

Approved, JUN 1 96 190

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE: Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Alfred Hopkins (Here insert name of child) born on the 4th day of October, 1897

Name of Father: Alfred P. Hopkins, a citizen of the Cherokee Nation.

Name of Mother: Delilah Hopkins, a citizen of the Cherokee Nation.

Post-office, Collinsville I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Delilah Hopkins, on oath state that I am 32 years of age and a citizen, by Cherokee Freedman the Cherokee Nation; that I am the lawful wife of Alfred P. Hopkins, who is a citizen, by Marriage, of the Cherokee Nation, that a male (male or female) child was born to me on the 4th day of October 1897 that said child has been named Alfred Hopkins, and is now living.

Delilah Hopkins

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 10th *day of* June 1901.

Jas. M. Hall
NOTARY PUBLIC
My com Exp. May 25 - 1903

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Mrs Belle Ikenberry, a Mid wife, on oath state that I attended on Mrs. Delilah Hopkins, wife of Alfred P. Hopkins on the 4th day of October, 1897; that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Alfred Hopkins

Belle Ikenberry

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 10th *day of* June 1901.

Jas. M. Hall
NOTARY PUBLIC
My Com Exp May 25 - 1903

CHEROKEE FREEDMAN. D 550

20

IN RE

Application for Enrollment of

INFANT CHILD

Sena Wolfkiller

as a citizen of

CHEROKEE Nation.

JUN 1 1901

Approved, 190

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Lena Hopkins, born on the 21 day of July, 1899

(Here insert name of child.)

Name of Father: Alfred P. Hopkins, a citizen of the Cherokee Nation.

Name of Mother: Delilah Hopkins, a citizen of the Cherokee Nation.

Post-office. Collinsville I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Delilah Hopkins, on oath state that I am 32 years of age and a citizen, by Cherokee Freedman, of the Cherokee Nation; that I am the lawful wife of Alfred P. Hopkins, who is a citizen, by marriage, of the Cherokee Nation, that a female (male or female) child was born to me on the 21st day of July 1899; that said child has been named Lena Hopkins, and is now living.

Delilah Hopkins

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 10th day of June 1901.

Jas. M. Hall
NOTARY PUBLIC
My com. Exp. May 23 1903

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Mrs Belle Ikenberry, a Midwife, on oath state that I attended on Mrs. Delilah Hopkins, wife of Alfred P. Hopkins, on the 21st day of July, 1899; that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Lena Hopkins

Belle Ikenberry

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 10th day of June 1901.

Jas. M. Hall
NOTARY PUBLIC
My Com Exp May 23 1903

R

20 R 550

IN RE

Application for Enrollment of

INFANT CHILD

Charlie Hopkins

as a citizen of

Cherokee Nation.

Approved, October 25th 1901

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 25 1901

Acting Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Charlie Hopkins (Here insert name of child), born on the 13th day of July, 1901

Name of Father: Alfred P. Hopkins, full-blood, a citizen of the Cherokee Nation.

Name of Mother: Delilah Hopkins, full-blood, a citizen of the Cherokee Nation.

Post-office, Collinsville I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Delilah Hopkins, on oath state that I am 32 years of age and a full-blood citizen, by Blood, of the Cherokee Nation; that I am the lawful wife of Alfred P. Hopkins, who is a citizen, by adopted full-blood Marriage, of the Cherokee Nation, that a male (male or female) child was born to me on the 13th day of July 1901; that said child has been named Charlie Hopkins, and is now living.

Delilah Hopkins

WITNESSES TO MARK (Must be Two Witnesses)

Subscribed and sworn to before me this 22nd *day of* October 1901.

Jas. M. Hall
NOTARY PUBLIC
my Com. Exp. May 25--1903

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Sarah L. Sturdy, a Midwife, on oath state that I attended on Mrs. Delilah Hopkins, wife of Alfred P. Hopkins on the 13th day of July, 1901; that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Charlie Hopkins.

Sarah L. Sturdy

WITNESSES TO MARK (Must be Two Witnesses)

Subscribed and sworn to before me this 22nd *day of* October 1901.

Jas. M. Hall
NOTARY PUBLIC
my Com. Exp. May 25--1903

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
AUG 18 1901
RECEIVED

Com'r Meadles: Nelson Murrell applies for the enrollment of himself and wife, Flora, they being both duly identified on the Kerns-Clifton and the Wallace rolls; but they cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; they make satisfactory proof as to residence, - by reason of the fact that their names are not upon the authenticated roll of 1880, and because of the protest of the Cherokee Nation, said Nelson Murrell and his wife, Flora, will be duly listed for enrollment as Cherokee Freedmen on a doubtful card; they will be duly notified by mail of the decision of the Commission when arrived at.

----****----

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of stenographic notes thereof.

(signed) M.D. Green,

Subscribed and sworn to before me this June 8, 1901.

(signed) T.B. Meadles,

Commissioner.

----****----

M.D. GREEN, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly made the foregoing copy and that same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this August [illegible]

Commissioner.

et al.
To be filed in case of Alfred P. Hopkins, C.F.D-550.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 6th, 1901.

In the matter of the application of Nelson Murrell for the enrollment of himself, and wife as Cherokee Freedmen; said Murrell being sworn and examined by Commissioner T. B. Needles, testified as follows:

Appearances:
Messrs. Smith and Mellette, for applicants;
Mr. W.W. Hastings, Cherokee Representative.

(Testimony of Flora Murrell in above styled case.)

FLORA MURRELL, being called and sworn by Commissioner T.B. Needles, testified as follows: BY MR. SMITH:

Q State your name? A Flora Murrell.
Q How old are you? A Well if I remember right I think the last day of this June I was 70.
Q Where do you live? A I live on Snow Creek between Snow Creek and the Verdigris river.
Q In what Nation? A In the Cherokee Nation.
Q How long have you lived there, in the Cherokee Nation? A All my life.
Q Were you born a slave? A Yes, sir.
Q To whom did you belonged at the time the war commenced?
A Lewis Melton and Susie Melton.
Q Were they Indians? A Yes, sir.
Q Cherokee Indians? A Yes, sir.
Q Citizens of the Cherokee Nation? A Yes, sir.
Q Where were you during the war? A I was up in Big Bend.
Q Where is Big Bend? A Up on the Arkansas River.
Q In what Nation? A Well it was in the Cherokee Nation.
Q Did you go out of the Cherokee Nation at all during the war?
A No, sir.
Q Where were in the year 1866, immediately after the war closed?
A I was at Big Bend, I don't know at that time.
Q You don't know dates? A No, sir.
Q Well, have you ever lived out of the Cherokee Nation at all?
A Never has.
Q Who were the members of the family of Lew Melton and his wife, about whom you have spoken? A Susie Melton, Nancy Melton and Mary Melton, and had a daughter named Susie, George and Catherring and Edward Melton, Moses Melton.
Q In what part of the Nation were you living when the war commenced? A We was living on the place where.
Q Don't care about the place but what part of the Cherokee Nation were you living? A Bird Creek.
Q What town would that be as the towns are built now? A There wasn't no towns near us then any nearer than Tahlequah.
Q Well, how far did you live from Tahlequah? A They called it a hundred miles.
Q You don't know how far it was? A No, sir.
Q Now, this place you are talking about living what town if any has been built up near that place since the war. A I don't know air as there is any, I ain't been to the place since the war.
Q You state that you weren't out of the Cherokee Nation during the war? A No, sir, I wasn't.
Q Have you ever been married before you married Murrell?
A Yes, sir.
Q Who was your husband? A Louin Vann, they called him in Cherokee, his name was Robert Vann in English.
Q Was he a slave? A Yes, sir.

Nelson Murrell et al (2)

Q Who did he belong to? A Joe Vann.
Q Was Joe Vann an Indian? A Yes, sir.
Q Cherokee Indian? A Yes, sir.
Q Here in the Cherokee Nation? A Yes, sir.
Q How long were you and Louie Vann married? A Well, I don't know hardly just how long we was married.
Q Did you have any children while you were his wife? A Yes, sir.
Q What are their names? A We had eight children, I haven't got but three living.
Q Give me the names of these children? A Sonny Smith.
Q Is that a man or woman? A He is a man.
Q And whatis the next one's name? A Charley Vann.
Q What is the next child's name of the three living?
A Lila Hop kins, she is married.
Q Is that meant for Delilah or just Lilah? A Meant for both but we just called her Lilah.
Q Is she married? A Yes, sir.
Q Whom did shemarry? A She married Oliver Hopkins.
Q Where does she live? A She li ves on Caney.
Q In what Nation? A Cherokee Nation.
Q How long has she lived there? A I don't know just how long she has been there, pretty near ever since they have been married.
Q Howlong have they been married? A I don't know; been married long enough to have seven or eight children.
Q How old is the oldestchild? A I don't know, I think she is in her sixteenth year.
Q Where was Lilah before she married? A She was living with me.
Q Where did she live up to the time she was married? A With me.
Q Where does your son, Charley Vann, now live? A He lives in about a half a mile from me.
Q Where? A On Snow Creek.
Q In what Nation? A Cherokee Nation.
Q Is Charley married? A No, sir.
Q What was his wife's name? A Her name is Kizzie.
Q How many children has he got? A One.
Q What is its name? A William Vann, she is a girl.
Q These three children, Charley Vann, and Lilah Vann and Sonny Smith are your children? A Yes, sir.
Q Where had Charley lived up to the time he was married? A Lived out here with me.
Q Where did Sonny live? A He lived out home withme, when he was not working out.
Q Where does Sonny live now? A I know not where.

BY COM'R MEREDITH:

Q Flora, you say you never lived out of the Cherokee Nation?
A No, sir.
Q You were born a slave? A Yes, sir.
Q Is your name on the roll of 1880? A Not as I know of.
Q Why is it not on? A I know when they was taking the census of 1880, Rufus Ross taken them, he come up there, he didn't go up to my house, and mother went out and she come back and got me and when I got up there it was late in the evening and Rufus told me to come back the next morning and meet him at Chouteau and he would put my name down and when I went there he was gone.
Q Your name never did get down? A No, sir.
Q Are you married to Murrell? A Yes, sir.
Q Are youon the Kern-Clifton roll? A Yes, sir.

The 1880 authenticated roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The 1896 census roll of Freedmen of the Cherokee Nation examined and names of applicans not found thereon.
The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 170, #4184 Nelson Murrell, Cooweescoowee District.

(3)

Page 125, 3101, Flora Murrell, no district given.
The Wallace roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 127, #2672, W. Nelson Murrell, Cooweescoowee District;
page 128, #2689, Flora Murrell, Cooweescoowee District.

BY MR. HASTINGS:
Q You made a statement here about Rufus Ross taking the census roll in 1880?A I don't know what year it was, I don't know as I said when he taken the census.
Q You don't know whether it was in 1880 then or not?A No, sir, I don't.
Q Were you living with Nelson Murrell then? A I was married to Mr. Murrell then living at home with him.
Q Do you remember what year you were married to Mr. Murrell?
A No, sir.
Q Do you remember how long after the war? A No, sir, I don't.
Q How old is Charley Vann? A I don't know that just exactly. but I think he is along about 33 or 34, I don't know exactly.
Q Where was Charley born?A Born at Big Bend.
Q Big Bend where? A It was up on the Arkansas.
COM'R NEEDLES: Cherokee Nation?A Yes It was Cherokee Nation then.
W.W.HASTINGS: It was then?A Yes, sir.
Q Where was Delilah Born?A On the Arkansas river.
Q Which is the older, she or Charley? A Charley.
Q How much older is Charley?A Oh, I don't know just exactly between two or three years.
Q Where was Sonny Smith born?A He was born up on Bird Creek.
Q Is he older or younger than the other two?A Yes, is the oldest child.
Q Where were you living when the war come up?A I was living at the big bend.
Q Were you a slave? A Yes, sir.
Q Whom did you belong toK A I belonged to Lewis Melton.
Q Did Lewis Melton ever live in the Big Bend of the Arkansas?
A No, sir.
Q Well who were you living with out there?A I was living with my husband.
Q Had you run off?A Yes, sir.
Q How long had you been away from your owner? A About four years.
Q Had you been living out there in the Big Bend all that time?
A Yes, sir.
Q You didn't go to Muskoge?A No, sir.
Q Never went out side of the Cherokee Nation? A Well if you call the strip and one side of the Arkansas river that is where I was.
Q What were you doing up there that four years?A I was hiding.
Q How did you make your living?A My husband was a hunter and I had friends up there that fed me.
Q What friends did you know up there? A Dude Webber and Skiatook.
Q Skiatook who? A That is all I know I know about him.
Q Was he colored? A He was a Cherokee.
Q Full blood?A I guess he was, he talked Cherokee.
Q Didn't talk any English? A No, sir.
Q He fed you did he? A Yes, sir.
Q Who else?A Wiley Butler.
Q Was he a Cherokee? A Yes sir.
Q Did either Wiley Butler or Skiatook have any family? A Wiley Butler had but his wife was dead.
Q Is any of his family alive now? A I don't know, sir.
Q Is any of Skiatook's family living?A I don't know.
Q Did you work for any people out there?A No, sir; you know I was working for anybody out there and hiding.
Q What was Dude Webber doing out there?A He was herding cattle out there for his mistress and I can tell you others that was out there.

Q What was his Mistress' name?A I don't know what his Mistress' name.
Q How far were you from her cow ranch?A It was right in the Big Bend.
Q Did you have a house out there?A No, sir.
Q Just lived out in the woods four years? A Yes, sir, I lived in a cave.
Q On what side of the river?A I lived on the west side.
Q Any towns near? A Not as I know.
Q You never heard of any town?A No, sir, and I never wanted to see any at that time.
Q What was your husband's name?A Louin Vann in Cherokee.
Q He was out with you? A Yes, sir.
Q Well after the war closed did you come back? A I come right down the river.
Q In a skift?A I come back in a wagon.
Q From what point? A From the Big Bend.
Q Who brought you? A My husband brought me.
Q Just you and your husband?A And my children.
Q Where did you go to?A When I first come back I come down on Pryor Creek.
Q Is that below here?A I don't know whether it is below here; I think it is below here.
Q You know where Pryor Creek is, it runs over about 20 miles and I want to know what part of Pryor Creek?A I come down on Pryor Creek to Mr.; I can't call his name just now.
Q Well how far from Chouteau? A I don't know, sir, how far it was from Chouteau.
Q What town was your nearest town?A When I came back?Q Yes.
A Wasn't any town there at all when I came back.
Q Don't remember who you lived with there?A I didn't live with anybody but my husband.
Q Did you make a place down there?A No, sir, I just went down there to my mother.
Q What was your mother's name?A Sarah Ross.
Q How long did you stay there?A I stayed there two or three weeks and went to the Verdigris.
Q And how long was that after the war you made this first trip to Pryor Creek?A I can't tell you just exactly how long that was.
Q Was that the first trip you made here? A My mother was living at Tahlequah the first trip I made down here I went to Ben Grimmetts.
Q Where was Ben Grimmett living then?A He was living on Pryor Creek.
Q Was that in the spring or fall? A It was in the spring, it was getting pretty warm.
Q Did all of your family go with you?A Yes, sir; didn't have any family but my children.
Q And your husband?A Yes, sir.
Q He went with you? A Yes, sir.
Q In a wagon? A Yes, sir.
Q Where did you get this wagon? A I don't know he went out and got it.
Q You hadn't it there during the war? A No, sir; you never seen negroes have wagons and horses about when they run off.
Q I am asking you where he got it? A My husband got it he went out and got it.
Q This first trip is when you come down to Ben Grimmett's?
A Yes, sir.
Q How long did you stay?A I stayed all night.
Q How long did you stay?A I went back to my cave.
Q How lo g did you stay there?A I don't know exactly how long I stayed there when I went back.
Q Well did you stay there a year? A I maight stayed a little longer than a year.

(5)

Q That was after the war?A Yes, sir.
Q Did you see anybody on your trip down to Ben Grimmett's?
A Oh, I seen some Indians but I didn't stop to have any chat with them.
Q Did you see any colored people?A Yes, sir.
Q Well, who? A I didn't stop.
Q Where did you see any houses?A Along the road between there and Caney along.
Q Caney that is up by Bird Creek? A Yes, sir.
Q Houses along there? A Yes, sir.
Q People living in them?A Yes, sir, I seen some children.
Q Well, now, where did you go to from your cave after you returned there?A The last time?
Q Yes. A I went down to Pryor Creek, mother had moved there and I went down there.
Q And then how long did you stay down there?A I stayed about two or three years.
Q That was two or three years after the war?A I said weeks, weeks is weeks, and years is years.
Q About how long after the war was it that when you went down to visit yourmother? A Well, I don't know just exactly, I think it was about two or three years.
Q That is your best jusgment? A To the best of my knowledge.
Q You stayed there then two or three weeks did you? A Yes, sir.
Q And then where did you go? A I went back to my place up on the Verdigris.
Q Was your husband alive then?A Yes, sir.
Q Did he move up on the Verdigris with you? A Yes, sir.
Q Where did he die? A He died at Pryor Creek.
Q When? A About five or six months after we got in.
Q And youafterwards married Nelson Murrell? A Yes, sir.
Q Is any of that family, Melton's family, alive that you belonged to before the war?A There was, I guess you had my young Mistress before you, had Nancy Sage.
Q Is she your young Mistress?A Yes, sir.
Q Was she the daughter of Melton?A Daughter.
Q Did he have any other children? A Oh, yes, he had a house full.
Q What was their names?A Betsy, Nan, Mary and Catherine, and George, Ed, Mose and Susie.
Q Where were they living whenyou run away? A Verdigris.
BY COM'R NEEDLES:
Q Flora, what was your father's name? A Sonny Brown.
Q What was your mother's name?A Sarah Ross.
Q You were a slave? A Yes, sir.
Q Where is this Big Bend you have been talkingabout?A Up on the Arkansas river.
Q Is it in the Cherokee Nation or Kansas? A In the Cherokee Nation.
Q Is it on what is known as the Cherokee strip? A No, sir, what is what is known as a Cherokee strip as I understand it.
Q That was in the Cherokee Nation?A Yes, sir.
Q This cave was in the Cherokee Nation?A Yes, sir.
Q You never went over to Kansas hiding then?A No, sir.
Q You say you went there three or four years?A Yes, sir; I run away four years before the war.
Q Did your owners ever hunt you up?A I guess they did, they had a reward out for us.
Q They never found you?A No, sir.
(Remainder of application taken by stenographer,M.D.Green)

---oooOOOooo---

J.O.Rosson, being first duly sworn, states thatas stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)J.O.Rosson.
Subscribed and sworn to before me this 12th day of June, 1901.
signed) T.B.Needles,
Commissioner,

* * * * * * *

Continuation of this case from notes taken by stenographer, J.O.Rosson, this day.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 6, 1901.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife, Flora, as Cherokee Freedmen; BOB WEBBER, being sworn and examined by Commissioner Needles, testified as follows:

Appearances: Smith, of Mellette & Smith, for applicants;
W.W.Hastings, for the Cherokee Nation.

Q Whatis your name?A Bob Webber.
Q Where do you live?A On Lightning Creek.
Q In what district? A Cooweescoowee District.
Cherokee Nation.
Q Whatis your post-office?A Hayden.
Q How long have you lived in the Cherokee Nation?A All my life, raised there .
Q How old are you? A Must be about 65.
Q Do you know Flora Murrell?A Yes sir.
Q Howlong have you known her? A I have knowed her ever since I was a boy.
Q You knew her before the war?A Yes sir.
Q Do you know whether she was a slave or not? A Yes sir.
Q Do you know who she belonged to?A Lewis Melton.
Q Was he a Cherokee Indian?A Yes sir.
Q A citizen of the Cherokee nation? A Yes sir.
Examined by Cherokee Representative, W.W.Hastings:
Q How long before the war did you know her?A Long time, ever sine I was a boy.
Q You knew her when the war come up? A Yes sir.
Q Where was she then? A She wasout on the Big Bend of the Arkansas.
Q Were you out there then? A I was out there, just before the war.
Q How long before the war? A It must have been four years before the war.
Q That's the last time you saw her? A Yes sir.
Examined by Attorney Smith:
Q When did you first see her after the war? A I met her down here on Pryor's Creek after the war.
Q How long after? A It must have been about four years after the war.
Examined by Commissioner Needles:
Q Did you know her owner? A Lewis Melton, yes sir, he had a mill down below Tahlequah there, and I used to go to the mill.
Q He was Flora's owner? A Yes sir.
Q Did you see her there them?A Yes sir.
Q Did you see her on Big Bend before the war? A Yes sir.
Q How far was that from her owner's place to Big Bend?A About twenty miles.
Q Was she living thereon the Big Bend? A Yes sir, she was scouting.
Examined by Cherokee Representative, W.W.Hastings:
Q Living in a house?A No, sir, she wasn't in no house.

(7)

SAM WEBBER, being sworn by Commissioner Needles, testified as follows:

Examined by attorney Smith:
Q State your name? A Sam Webber.
Q Whatis your post-office?A Nowata.
Q How old are you? A About 58 as well as I can guess at it.
Q Where do you live? A I live two miles west of Nowata.
Q How long have you lived in the Cherokee Nation? A I was born and raised partly here, and then come back in '66 and have been here ever since.
Q You know Flora Murrell, the wife of Nelson Murrell? A Yes sir.
Q How long have you known her? A Ever sine I could remember myself.
Q Was she a slave before thewar? A Yes sir.
Q To whom did she belong? A Lewis Melton.
Q Was he a Cherokee Indian?A Yes sir.
Q When did you last see her before the war, how long before the war? A Well just about the time the war was coming up. we went up to where they lived. They had a ranch up there, my old missus had a ranch and they always sent us up there to gther up cattle.
Q Your mistress had a ranch?A Yes sir.
Q How far did you live from there?A We lived near Tahlequah at the Double Springs, but we would go up there every year to gather up the cattle.
Q How far did you live from the ranch? A I couldn't tell you, it would take us about two days travel to go there where the ranch was, but the miles I couldn't tell you.
Q Where was this you saw Flora when yousaw her? A The last time?
Q Yes?A She was inthe Big Bend of the Arkansas.
Q How far was that from where Lewis Melton, her owner, lived?
A I don't know exactly, some ten or twelve miles, I guess, maybe little further, I couldn't tell exactly.
Q That was the last time you saw her? A Yes sir.
Q When did you first see her after the war?A I don't know just what year really, but thenit was along some three or four years I judge after the war when I met her again.
Q Where did you see her again?A On Big Creek here.
Q How far from here?A It is about nearly 15 miles, I judge.
Q Who did she come there with?A Man named Lowan Vann.
Q What relation did he bear to her? A He was her husband.

Examined by Cherokee Representative, W.W.Hastings.
Q How old are you? A I am about 58, as near as I could remember, I don't know exactly my age.
Q You were about 17 years old when the war come up, or 18?
A I was big enough to ride around and herd cattle.
Q Who went up there to this ranch with you? A Bob Webber and Dugh Webber.
Q Bob was along at the time you saw this party, this Bob that was a witness here awhile ago?A Yes sir, he was older than I was.
Q He would know dates better than you would about that time?
A I don't know about that.
Q You didn't tell anybody about seeing this party up there, this woman?A I was afraid to.
Q You didn't tell your owners?A No sir.
Q You didn't tell your people? A Told my parents.
Q But you didn't tell anybody else about seeing her up there?
A No sir.
Q You didn't testify for her five years ago, you didn't tell it then did you?A No sir.

Examined by Commissioner Needles:
Q You knew she was a runaway?A Yes sir, I knowed that all right enough.
Q But you didn't go and tell her owners where she was? A No sir.

(8)

Com'r Needles: Nelson Murrell applies for the enrollment of himself and wife, Flora; they are both duly identified on the Kerns-Clifton and the Wallace rolls; but they cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; they make satisfactory proof as to residence,- by reason of the fact that their names are not upon the authenticated roll of 1880, and because of the protest of the Cherokee Nation, said Nelson Murrell and his wife, Flora, will be duly listed for enrollment as Cherokee Freedmen on a doubtful card; they will be duly notified by mail of the decision of the Commission when arrived at.

----****----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D.Green,

Subscribed and sworn to before me this June 8, 1901.

(signed) T.B.Needles,
Commissioner.

----****----

M.D.GREEN, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly made the foregoing copy and that same is a true and complete copy of the original transcript.

M.D.Green

Subscribed and sworn to before me this August 15th, 1901.

Commissioner.

Claremore, I. T

May 30" 1901

This is to certify

that Charles Vann and Kizzie Hopkins were by me married according to the laws of the Cherokee Nation in the month of May 1888

Watt. Starr

Ex Judge of Cooweescoowee

District C. N

Department of the interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 23, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of Cherokee F. D #552.

Commissioner.

Executive Department.

CHEROKEE NATION.

Tahlequah, I. T., 6-II-1901.

July, 25- Issued Marriage License to A.P.Hopkins a citizen of the United States to marry Delila Vann, a citizen of the Cherokee Nation, Petition signed by the following named persons, Watt Starr, Ed Sunday, F.M.Musgrove, Ed.D.Hicks, Geo Alberty, Jno.R.Willey, Wm King, H.W.Goodtraveler, S.B.Brown, E.M.Eaton, Recorded on the 20th, day of August, 1887,

WmV.Carey, Clk, C.D.C.N.

Executive Department, C.N.

June 11th, 1901.

I, A.B.Cunningham, Assistant Executive Secretary of the Cherokee Nation do hereby certify that the above and foregoing is a true and correct copy o f the Marriage License of A.P.Hopkins to marry Delila Vann, as copied from the marriage records of Cooweescoowee District for the years of 1869 to 1887, Said Record now be ing a part of the records of this office.

A.B. Cunningham

Assistant Executive Secretary.

Col. H. 5-5-8

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 17 1901

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony of June 6th, 1901, in the matter of the application of Alfred P. Hopkins et al for enrollment as Freedmen of the Cherokee Nation.

Juliette Thomas
Attorney for Applicants.

Cherokee F. #D550.

F D. 550

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 190

Given under my hand this .....

day of ..... A. D. 190

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

..... day of 190

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

on the day of ..... A. D. 190

Subscribed and sworn to before me this

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 21 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Alfred P. Hankins for enrollment as Cherokee citizens

Case No. D 552

To Alfred P. Hankins or [illegible] Attyr.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of [illegible] Indian Territory, on [illegible] or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible]

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

File with Cherokee Freedman D-550, Alfred P. Hopkins.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 19, 1901.

In the matter of the application of Nelson Murrell et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of Cherokee Nation.

Appearances:
Mellette & Smith, of counsel for applicants;
J. S. Davenport, of counsel for Cherokee Nation.

R. M. ALLEN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A R. M. Allen.
Q Where do you live, doctor? A I live north about a mile of Coody's Bluff, when I am at home.
Q What is your postoffice? A Coodys Bluff.
Q How long have you lived in the Cherokee Nation? A Ever since 1868.
Q Where did you live prior to coming to the Cherokee Nation? A I was in Baxter Springs
Q When you came to the Cherokee Nation in '68 to what point did you come? A Down on what is known as the Journeycake Prairie.
Q Are you a citizen of the Cherokee Nation? A Yes, sir, so recognized.
Q By blood? A By adoption, or marriage.
Q To a Cherokee? A To a Delaware.
Q How did you come to the Cherokee Nation before or after the Delawares came down here? A Afterwards.
Q Do you know the applicant in this case, Nelson Murrell? A Well I met the old gentleman to-day, that is the first acquaintance that I have with him.
Q Where were you in '68 after you came down to the Cherokee Nation, what section of the country? A I was on the Journeycake Prairie, coming with old man Journeycake living south of the Kansas line at that time?
Q How far was Journeycake living south of the Kansas line at that time? A Said to be about 24 miles.
Q How far was you out over that country or back and forth to the Kansas line any in the neighborhood or vicinity of Snow Creek? A No, sir.
Q Who was living along near Snow Creek at that time? A The last house going to Snow Creek from Journeycake's was this man Little Buffalo.
Q This was he? A He was a Delaware.
Q Was he the first one, or how many houses along there? A After you went old man Journeycake's, the first house would be the widow Coodytraveler, and the next would be Jim Wilson, the next house a man by the name of John George lived there, and the last house right on the road was a man by the name of Little Buffalo.
Q Did you get over the country around Snow Creek during that year? A That year, '68?
Q Yes, that is the year you said you came down? A No, I don't think I was any that year.
Q Well, was you the next year? A Yes, in the fall of '69 I made a trip to the Kansas line.
Q To what point in Kansas did you go? A Well they were going to build this town called Parkersburg, and I went up there, thought maybe I would buy some lots, me and old man Journeycake and one Daniel P. Higgs, and we went right up the Verdigris Valley.
Q On what side? A East side, and I crossed Snow Creek right

where it ran into the river, there was a man lived there, or was living there the last time I was there, by the name of Singleton, I didn't know him.

Q Now how from the Kansas line is it to where Snow Creek empties into the Verdigris River, or about how far? A I don't know, four or five or six miles, I don't know how far, it is not a great ways.

Q Do you know whether or not Snow Creek heads in the Territory or Kansas? A I have heard it said it did, but I never followed it.

Q You never saw the applicant, and have been acquainted with him? A I don't remember the old gentleman till to-day I met him and some man introduced me to him, Sam Webber I believe.

Q Was there any colored people living there on Snow Creek? A I didn't see any on that trip.

Mr. Smith: What did you say your name was? A Allen.

Q Doctor Allen? A Yes, sir.

Q Are you a physician? A Yes, sir.

Q Physician and surgeon? A Yes, sir, I followed it a while, I graduated at the Rush Medical College in Chicago in '65.

Q Well do you practice medicine out there now? A Well just a little, not much.

Q You went there when? A I landed at old man Journeycake's house on the 25th of July, 1868.

Q Is that on Snow Creek? A No, sir.

Q How far was that from Snow Creek? A Fifteen or twenty miles.

Q Then how long was it from that time until you were on Snow Creek? A I went on Snow Creek in the fall of '69.

Q How long is Snow Creek? A I don't know.

Q Well, did you go all up and down Snow Creek from one end to the other? A No, sir, crossed Snow Creek, didn't go up nor down it.

Q Then where were you going to? A I was going to the Kansas line where they were going to built that down called Parkersburg.

Q Did they built it? A They did, afterwards.

Q How long afterwards? A The next time I was there they had quite a town there.

Q How long was that? A Might have been a year or eighteen months, might be not so long, I think I went up there, if I remember right, the 28th day of May, the next spring.

Q Well, did they have any town there when you went there the first time? A No, sir.

Q Did they have any town laid out? A I saw some lumber along there.

Q Did they have any ~~xxxxxxxxxxxx~~ plat, town plat? A I never heard of it.

Q Didn't you inquire? A Yes, I inquired about it, but I couldn't find any man that would give me sufficient news about it to purchase any lots.

Q Did you buy any lots? A No, sir, I didn't.

Q Did you ever buy any in Parkersburg? A No, sir, never did.

Q And did you go back for the second time? A Well sir, the next time next May I thought I would go back and buy my household utensils.

Q Did you buy them? A I did.

Q How far was it from Journeycake's where you started to Parkersburg? A Oh it is 25 or '6 miles.

Q And in what direction was Parkersburg from Journeycake? A Well sir, it is north, and I believe a little west.

Q How far was Parkersburg from the Kansas line? A Well, they didn't know where the line was in that day.

Q They didn't know? A Not then they didn't.

Q How far is it from where the Kansas line is now? A Well I suppose three or four miles, I never heard anybody say.

Q Now you started in the fall of 1869 from Journeycake's, did you? A Yes, sir.

Q Where did you? A I started from home.

Q Where did you live? A I lived up at Coodys Bluff.
Q How far was that from Journeycake's? A About four miles.
Q In what direction from Journeycake's? A North.
Q Then you started from four miles north of Journeycake's in the fall of '68 to go to Parkersburg? A Yes, sir.
Q How did you travel? A I went horseback.
Q And was there a road to travel? A No, there was no road.
Q Wasn't any road? A No, I didn't follow any road.
Q Then did you cross Snow Creek? A Yes, sir, I crossed it.
Q Once or more than once? A I only crossed it once going up.
Q And once coming back? A Yes, sir.
Q Where did you cross it? A I crossed it going up tolerably close to the river at a place where a fellow named Singleton lived afterwards.
Q Well, how far was that from the Kansas line? A I don't know, four or five miles I guess, I think Snow Creek is about that distance from the Kansas line.
Q Well, it is not the same distance from the Kansas line all the way along, is it? A I don't know, I never followed up the Creek.
Q You don't know anything about the community below where you crossed or above where you crossed? A No, sir.
Q All you know is just the place you crossed? A Yes, sir, where I crossed at.
Q Well traveling in the direction that you were going you came right into right angles with the Creek? A I kept right up the river valley on the east side of the river till I struck the creek.
Q And crossed the creek? A Yes, sir.
Q You didn't have to follow the Creek? A No, I didn't follow the Creek.
Q You just simply crossed Snow Creek in 1869? A Yes, sir
Q Well now then you are not prepared to say that this applicant, Nelson Purrell, wasn't living on Snow Creek in '68? A I am prepared to say I didn't see any houses nor farms in the travel
Q But you say you only touched Snow Creek at one point? A That is all.
Q And there wasn't any houses right there? A Wasn't any houses in sight, I didn't see any houses.
Q Up or down the Creek? A No, sir.
Q If there had been a house a quarter of a mile up the Creek or a quarter of a mile down the Creek you couldn't have seen it?
A Yes, sir, if a house had been out on the Prairie a quarter of a mile from me them days I could have seen it
Q Under favorable conditions you could have seen it? A Yes, sir.
Q That is all you know about this matter, is it? A Yes, sir.

SIMON LOVE, being duly sworn by Commissioner Geddes, testifies as follows:
Mr. Davenport: What is your name? A Simon Love.
Q Where do you live? A Claremore.
Q How long have you lived in the Cherokee Nation? A Ever since '68.
Q Are you a Cherokee or a Delaware Indian? A Delaware.
Q Did you come to the Cherokee Nation before or after the treaty made with the Delawares and Cherokees? A After.
Q What was your father's name? A My stepfather's name was Buffalo.
Q Well, did he have any English name? A Little Buffalo they called him.
Q Did your father move to the Cherokee Nation when he did, or was you a child at that time and came with him? A I came with my stepfather and mother.
Q What was yourn stepfather's name? A Little Buffalo.
Q Well, when you came to the Cherokee Nation, to what point in the Cherokee Nation did you come? A We came on Cedar Creek, about

fifteen miles from Coffeyville, Kansas.

Q On what side of the Verdigris River did you locate? A The east side.

Q How far from what is known as Snow Creek? A Six or seven miles I should judge.

Q Do you know, and did you know at that time, where Snow Creek empties into the Verdigris River? A Yes, I don't know exactly where it empties, then.

Q Had you ever been on Snow Creek? A Yes, sir, I had been on Snow Creek, but I had not been to the mouth of the Creek.

Q When you located in '68 on Cedar Creek did you make any trips or anything up and around Snow Creek? A Yes, sir, we used to go up Snow Creek going to ~~trade~~ up there on Pumpkin Creek in Kansas, we did our trading up there, a man by the name of Lushbaugh kept a store.

Q Who was living on Snow Creek at that time? A I don't remember that there was anyone living there.

Q Was there any houses there? A There was one house there that I can remember, a carbenter that built our house lived there, a man named Baker, in the fall of '68 he built our house.

Q Do you know the applicant in this case, Nelson Murrell? A Yes, sir.

Q Well, how long have you known him? A I just can't tell how long.

Q Do you know where he lives now? A Yes, sir.

Q Well where does he live now in regard to where that fellow Baker lived at that time, how far? A ? A He was right south, right at the edge of the flat, Snow Creek and Verdigris flat is where Baker lived when I went after him to come and build our house; I think that was in the fall of '68.

Q Where does the applicant live with reference to that? A Right north of it.

Q About how far? A I can't tell you how far.

Q Do you know how far; that is what I am trying to get at; have you ever been to his house? A No, sir, never was at his place.

Q You don't remember then how long it has been since you knew this applicant, Nelson Murrell? A No, sir, don't remember.

Q Well, was there any colored people living around that section of the country that you saw when you went up to Baker's? A No, sir.

Q Did you ever got acquainted with a family of Littles, Steve Little's family? A Yes, sir.

Q Where were they living? A Living on Snow Creek.

Q What part of Snow Creek with reference to where it empties into the Verdigris River? A I should judge about three quarters of a mile or a mile I should judge of the mouth; of course I have never been to the mouth of Snow Creek.

Q Then did they come in there and locate, if you know? A I don't know when they came in.

Q Well, how long have you known that family? A Well I have known them quite a while.

Q Well, did you get acquainted with them immediately after you came in there? A Yes, sir.

Q Well, where were they living with reference to the locality of where Baker was living, when you got acquainted with the Little family? A They lived southeast of where Baker lived.

Q Well, did they live nearer the river than Baker did, or farther away from the river than Baker? A I think they lived a little farther away, a little farther east.

Q How long since you have been in that locality? A I haven't been in there quite a while, I don't know really.

Q I believe you stated you came down after the Delawares made the treaty with the Cherokees, or before, which was it? A Afterwards.

Q Did you come the same time the Delawares came, or did your father move the same time they came? A Same time, his was the first train that came down.

Mr. Smith: Mr. Love, you and your family were among the first

Delawares that came to the Cherokee Nation after the Delawares made the treaty with the Cherokee Nation? A Yes, sir.

Q And you have lived in the Cherokee Nation ever since? A Yes, sir.

Q You are a citizen of the Cherokee Nation? A Yes, sir, only what time I have been out to school I didn't live here.

Q Well now at what place did you locate when you first came here, your family? A Right near the mouth of Cedar Creek.

Q How far was that from the Kansas line? A On a straight line about eleven or twelve miles.

Q What direction? A South.

Q Into what stream did Cedar Creek empty? A The Verdigris.

Q Into what stream did Snow Creek empty? A The Verdigris.

Q Were you ever at the place where Snow Creek empties into the Verdigris? A No, sir, I never was right at the mouth of the Creek.

Q About how far north of the mouth of Cedar Creek was the mouth of Snow Creek? A Well straight through, it is about seven or eight miles.

Q The way the roads ran how far was it? A I should judge about that, the road ran pretty straight through.

Q Well, did you have a house to live in when you first came there?

A No, sir

Q What season of the year did you come to the Nation? A February.

Q When did you get a house? A Gota house the next fall; that is, a man built our house.

Q How old were you when you came here? A I was about 15.

Q Where did you remain during the months from February until you got your house built the following fall? A Right there at home.

Q Now you know this old man Nelson Murrell? A Yes, sir.

Q And you have known him a long time? A Quite a while, I can't remember just what time.

Q A great many years? A I can't remember how long.

Q Been so long you can't remember when you first did know him?

A Been fifteen or twenty years.

Q Been longer than that, hasn't it? A I don't think it has.

Q How long has it been since you first came down here? A I came here in '68.

Q Well, how many years? A 33 years.

Q Well now about how long have you been knowing old man Nelson Murrell? A I should judge about fifteen or twenty years; when my mother died I left there, went to old Mrs. Connor's.

Q How many years was that after you came down to the Cherokee Nation, that you went to Connor's? A About '71.

Q About that? A Yes, sir.

Q You had been in that Cedar Creek country then only two or three years when you left there? A Yes, sir, that was all.

Q You were still a boy when you did leave? A Yes, sir.

Q Now you didn't go, while you were up there, to the mouth of Snow Creek, where it empties into the Verdigris? A No, sir.

Q You know how long Snow Creek is? A No, sir.

Q You know how far it is from the mouth of Snow Creek to the point where Snow Creek enters Kansas, or the Territory from Kansas? A No, I have no definite idea, about five or six miles though.

Q You don't know; you never were up the Creek then from the mouth of the Creek up to the Kansas line? A Only right there along the road here I crossed Snow Creek.

Q Now where would you be going when you would cross it? A Well, up into Kansas.

Q To what point? A A place they called Clymore, on Pumpkin Creek, a trading point, or post.

Q Now what was the nearest town of any note to you in the Cherokee Nation, store or postoffice, or anything of that sort? A There was none.

Q How far did you live from the mouth of Cedar Creek? A About a

mile, not quite.

Q Then you were about a mile from the Verdigris? A Yes, sir.

Q And about a mile from the place where Cedar Creek enters the Verdigris? A West of where it enters the Verdigris, it makes a bend there.

Q When you had to go to Kansas, what direction did you travel?

A North.

Q In what direction did Snow Creek run? A Well I think it ran northeast, that is, it headed northeast and ran southwest I think.

Q Well, it was more or less of an east and west course, wasn't it now? A Yes, sir, southwest and northeast.

Q Well did you go anywhere else, have occasion during the time you lived there to go any other place except Clymore in Kansas?

A Well I went after that carpenter that built the house.

Q I mean outside of the carpenter and Clymore? A No, sir.

Q So when you went to Clymore you crossed Snow Creek? A Yes, sir.

Q Do you know how far you crossed it from the mouth? A I judge about a mile and a half, it is what they call now the Reed Crossing, Duman Reed Crossing.

Q Now do you know how far that is from the mouth of Snow Creek?

A I should judge about a mile and a half or two miles.

Q Or two, and might be farther? A Might be, I don't know where the mouth is, I never was at the mouth of Snow Creek.

Q Now then when you were traveling from where you lived to Clymore, you just simply came to Snow Creek and crossed and when you came back you would come to it again and cross it? A Yes, sir.

Q Now then you can't swear Nelson Murrell didn't live on Snow Creek at the time you crossed it? A I didn't see any houses.

Q You can't swear he didn't live there? A No, I can't.

Q You can't swear there wasn't a house there? A I don't think there was a house there.

Q Except at the place you crossed? A There wasn't any houses there.

Q How about a mile up the creek or a mile down the creek? A That I can't tell.

Q You don't know, do you? A No, I don't think there was any houses.

Q Don't think, I want to know what you know; can you state upon your oath that there wasn't a house a mile up the creek or a mile down the Creek? A No.

JOHN SECONDINE, being duly sworn by Commissioner Needles, testified as follows:

Mr Davenport: What is your name? A John Secondine.

Q Where do you live? A Up at White Oak.

Q That your postoffice? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A I believe I have lived here about 34 years; since '68.

Q What is your nationality, are you a Cherokee or Delaware? A I am a Delaware.

Q Did you come to the Cherokee Nation before or after the treaty was made with the Cherokee Nation and Delawares? A Well I came here a year before they moved down here.

Q Well, what year was that in? A When I first came here, that was in 67, in August.

Q Well, when you came to the Cherokee Nation in '67 in August, to what place did you come? A Well we came up there about Snow Creek.

Q Well, what part of Snow Creek? A I guess it must have been about three miles above the mouth of Snow Creek.

Q Who was living there at that time, if anyone? A Well I didn't see anybody living there at all.

Q How long did you stay there? A Well, we stayed there as much

as a week or ten days somewhere along there.
Q Was there any houses around there? A No, sir.
Q Well, were you up and down the Creek any, or did you just camp and stay in one place? A We, we looked all around the country there, we came down here to find locations to settle on, we went up and down the Creek, in fact we traveled all around the country there looking at the country.
Q Any houses at all that you found; if so, where were they and who was living in them? A No, sir, never saw any houses.
Q Were you down the Creek to where it empties into the Verdigris?
A Yes, sir.
Q You went up the Creek above where you camped, did you not, towards the Kansas line? A Went up pretty near the head of the Creek, it is pretty much all prairie up there.
Q Do you know the applicant here, Nelson Murrell, that old gentleman (indicating applicant)? A I have seen him.
Q Was he living there on Snow Creek when you were down there in '67? A I didn't see him, I didn't see anybody, there was no settlement there.
Q You went up and down the Creek you say? A Yes, sir, there was no settlements there.
Mr. Smith: You live out here close to Vinita now? A Yes, sir, I live at White Oak.
Q About how long have you been living there? A I have been living there 16 years I believe.
Q You related in any way to Journeycake? A Yes,,sir.
Q What relation? A Second cousin I believe.
Q How far did you live, when the Delawares first came down in the Cherokee Nation, from Journeycake's? A I lived six miles above, north.
Q Six miles north of Journeycake's? A Yes, sir.
Q How far from the Kansas line? A That is about twenty miles, somewhere along there, I guess.
Q How far is it to the town they started up there in Kansas called Parkersburg? A Let's see, I guess it is close onto twenty or twenty-two miles I guess.
Q How far did you live from the Verdigris River? A Lived about three quarters of a mile.
Q What direction, west, or north? A East.
Q How far was that from the mouth of Snow Creek? A It must be about twenty miles.
Q Twenty miles from the mouth of Snow Creek? A Yes, sir.
Q Do you know a family in there by the name of Love? A Yes, sir.
Q Where did they live? A They lived up there below Gooseneck Bend, what they call now.
Q Up close to Verdigris River? A Well they were right there in the edge of the bottom, they lived right in the bottom when they first came down here.
Q How far from the Kansas line? A I guess it must be about ten or twelve miles.
Q How far from you? A Oh about 10 miles.
Q In what season of the year did you arrive in the Cherokee Nation?
A Well I think the 9th day of February.
Q Who did you come with; that is, I ean your own immediate family, your father? A No, my mother.
Q Well, where did you live when you first came here; did you have a house? A No, sir, I didn't build any house that spring, after we got here we stopped over until grass came up in the spring of '68.
Q And then built a house? A No, I didn't build any house then, we moved over to Grand River that spring and made a crop over there.
Q How far from this place on Verdigris? A This was on Grand River. it is about forty miles.
Q Now if I understand you, you came on the Verdigris River about '67? A I want you to understand this; we didn't move down in '67,

I came down here to look at the country.
Q Then what did you do? A I went back to Kansas.
Q How long did you stay? A Well, we stayed a year.
Q It took you a year to look at the country? A No, we stayed about two months here.
Q When, in '67? A Yes, sir, two months on the Verdigris.
Q About twenty miles below the mouth of Snow Creek? A No, we stopped up there about ten days and
Snow Creek.
Q Well, when did you stop on Snow Creek? A In '67.
Q What time? A In August.
Q In August, '67? A Yes, sir, I don't remember the date, but it was in August.
Q Well, about what point on Snow Creek did you stop? A Well about three miles above the mouth of it.
Q And then you came on down about twenty miles below the mouth of Snow Creek on Verdigris? A Well, we camped on down, we would stop and camp a week or so and then move on down a piece.
Q Then you was coming how long altogether, about two months? A Two months.
Q Then you went back to Kansas? A Yes, sir.
Q How long did you stay in Kansas? A We stayed till - I left there in February, about the first of February.
Q What year, '68? A '68.
Q Where did you go? A Came down here.
Q To Grand River? A No, sir, we came on down the same route we came when we came the first time.
Q How long did you stay in that part of the country where you first came to? A Well about two months.
Q About what time was it when you moved out of that neighborhood?
A It was about along in the first of April, somewhere along there.
Q Then did you move to Grand River? A Yes, sir.
Q That was 35 or 40 miles away? A Yes, sir.
Q Were you back in there at any time soon? A I came back again before Christmas.
Q Back in there again? A Yes, sir.
Q Where were you then? A I was over there about Goodys Bluff.
Q Up about Snow Creek? A No, below there.
Q Well, how far is it, do you know, from the mouth of Snow Creek to where Snow Creek enters the Territory, the Cherokee Nation? A Well I can't exactly tell, it is not very far.
Q Well not guessing at it, but stating it from your absolute knowledge, do you know? A How far from the Kansas line: well there used to be two miles, there was a two mile strip there a while back, and the last line they made was, I guess it must be about three miles I guess from the line.
Q You mean the mouth of Snow Creek? A Yes.
Q Then you camped right exactly on the Kansas line? A No, sir.
Q I thought you said you camped three miles from the mouth of Snow Creek? A Up Snow Creek.
Q Well there wasn't any more Snow Creek after it ran into the Verdigris, was there? A No, I guess not.
Q It has to be up Snow Creek if it was anywhere? A Yes.
Q Well you said you camped three miles from the mouth of Snow Creek?
A Yes.
Q Then you were right exactly on the Kansas line, weren't you? A No, I was right east; Snow Creek runs kinder east, kinder of a northeast.
Q Well, wasn't there anybody living on Snow Creek at all? A No, sir, I didn't see anybody to my knowledge, therewasn't anybody living there.
Q Well, there was a carpenter living there that built this fellow Love's house? A The Delawares never moved here till '68.
Q You said you were back there in '68; what I am asking you about,

[illegible] there in '68, were you on Snow Creek then? A I think [illegible]

[illegible] anybody living there? A I didn't see any: I didn't stop [illegible] just I was on the road, I didn't stop to look around like [illegible] the year before.

Q Well you don't know when this carpenter that this other witness got up there to build his house, built his house up on Snow Creek, do you? A No, sir.

Q Can'e say that wasn't there in '68 though, can you? A No, sir, can't swear it wasn't there.

Q Can't swear it wasn't there in '67? A Well sir I don't believe it was there.

Q You don't believe it was, but you don't know? A Because I didn't see them, there was no settlement there.

Q All you know is you didn't see any houses there? A It would have to be a pretty small house if I didn't see it.

Q Well, they didn't build brown stone fronts, five story houses up there in that time? A No, sir, they built cabins.

Q What was it along Snow Creek, timber or prairie? A There is some timber there.

Q You could stick a little cabin around there most anywhere, couldn't you; well that is all you know about it, Mr. Secondine, that you didn't see a house there; you can't say that Nelson Murrell didn't have a house there and you can't say he wasn't living there when you first went there, positive, upon that date? A I didn't see anybody and didn't see any houses.

Q But you can't say he wasn't there? A No, I can't say he wasn't there. I didn't see any houses, and didn't see anybody, no colored people

[illegible] MELTON, being duly sworn by Commissioner Needles, testified as follows:

Mr Davenport: What is your name? A Henry Melton.

Q Where do you live? A I live up on Snow Creek.

Q How long have you lived up on Snow Creek? A Well I don't know now, I had a man to figure up how long I had been on Snow Creek, I have been on Snow Creek 27 years, the way he figured it.

Q Do you know the applicant here, Nelson Murrell? A Knowed him all the days of my life.

Q Was he living up there when you lived up there? A Yes, sir.

Q Near what place, how far is he living from where Snow Creek empties into the Verdigris? A Go right straight through the flat, it is about two miles I think to the mouth of Snow Creek.

Q Where were you living when the war broke out? A Living on Bird Creek.

Q You know where Nelson was? A Yes, sir.

Q Was he there with you? A No, sir, he was down here to Park Hill

Q Do you know of your own knowledge, or how do you know where he was when the war broke out? A Yes, sir, I know, because I used to go from Bird Creek down there.

Q How long before the breaking out of the war had you been down there? A I don't know, I can't tell.

Q Well, had it been a year or two years or six months; what do you think about it; I want to get the facts there, about how long it had been before the war came on? A I can't tell you.

Q You and Nels belonged to the same man, did you, before the war?

A My mistress' daughter married Uncle Nelse's young master, John Nave

Q Who did Uncle Nelse belong to when he went by the name of Murrell? A George Murrell.

Q Is that the same George Murrell that lived in Virginia part of the time and here part of the time? A I guess that is the one;

I don't know it.

Q I will ask you if it is the same Murrell that lived near Park Hill at the spring, the big spring on the road there going out towards Wagoner from Park Hill? A Yes, sir.

Mr. Smith: I object to that, because it is leading.

Q Did you know Chlora? A Yes, sir.

Q Do you know whether or not she is the wife of Nelson Murrell now? A Yes, sir.

Q Who did she belong to? A Belonged to Lewis Melton, he raised both of us.

Q Where was Chlora when the war came on? A I don't know where she was.

Q Was she there at home? A No, sir, she wasn't here when the war broke out, she went off.

Q Well, did she just go off of her own accord, or do you know about that? A No, she run off.

Mr. Smith: This Chlora Murrell was owned by the same man that owned you, you say? A Yes, sir.

Q What was his name? A Lewis Melton.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q And he was living in the Cherokee Nation at the time the war commenced? A Yes, sir.

Q And Chlora Murrell had run away from him and you don't know where she was? A Don't know where she was.

Mr. Davenport: Do you know who she run off with? A Yes, sir, woman will tell you that.

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Taking of testimony continued by Stenographer E. O. Rosson

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of November, 1901.

Commissioner.

October 19th, 1901.

Taking of testimony in matter of the enrollment of NELSON MURRELL, ET AL., C.R.-D.#648, continued. Former portion taken by Stenographer Bruce C. Jones.

APPEARANCES:
Mr. Smith, of Counsel for Applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

MINTIE MELTON, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:
MR. DAVENPORT: What is your name? A Mintie Melton.
Q Where do yo u live, Mrs. Melton? A On the Verdigris.
Q How long have you lived in the Cherokee Nation? A Here in the Nation all my life.
Q You know the applicant, Nelson Murell? A Yes, sir, I know him.
Q Do you know his wife? A Yes, sir.
Q How long have you known her? A I knowed her a little while, I knowed her in slave time, before the war.
Q Well, do you know where she was when the war broke out?
A No, sir, I don't.
Q Did she belong to the same parties that you belonged to?
A No, sir.
Q How far did she live from you before the war; you were slaves when you first knew her? A Yes, sir.
Q Was she a slave of the same parties you were? A No, sir.
Q How far did she live from you? A 12 miles I think.
Q Well, you say you don't know where she was when the war broke out? A No, sir.
Q Had she left that country or not? A I don't know where she went; I guess she went off I reckon, I don't know anythi ng about where she went.
Q What was your father's name? A His name was Robert Vann was his name.
Q Where washe when the war broke out, do you know? A No, sir, I don't.
Q Well, did you ever see him after the war broke out? A I seen him after he come back from Kansas.
Q About when did you see him? A When did I see him?
Q Yes? A I can't tell exactly when it was.
Q Well, have you seen Nelson's wife after you came back after the war? A This lady he has got now?
Q Yes. A No, sir, they li ved up here.
Q I mean since you have moved up in this country? A Yes, sir.
Q Is she the same woman you knew before the war? A Same woman.
Q And you say you didn't know where she was? A No, sir.
Q Was she with her owners that owned her when the war broke out? (No response.)
Q Was she at their home? A Well, I don't believe she was right at home.
Q Do you know where she was or what became of her? A I don't know where she was.
Q Do you know how she come here, what the circumstances of it was?
A I guess she went off.
Mr. Smith: I object to what she says.
Witness: She lives with Lewis Melton and I live on Caney.
Q Isn't it a fact that your father and she ran off and left this this country before the war broke out?
Mr. Smith: I object to the question, if the Court please, because it is leading, and the applicant says she does not know.
Com'r Needles: Let the objection be entered.
A She was at home and I was at home; I don't know where she went

to and I never visited there.
Q Wasn't it understood by you that she and your father ran off together before the war and left the country?
Mr. Smith: I object to that.
COM'R NEEDLES: You know whether your father and she went off together? A I guess so; they lived at Melton's and I lived at home.
MR. DAVENPORT: You don't know whether they were livi ng at Melton's when the war broke out or not, do you? A No, sir.
When the war broke out it wasn't no time to know where anyone lives.
MR. SMITH: How far was it from where Lewis Melton lived to where you lived? A 12 miles.
Q You don't know what took place when the war broke out? A No,sirr
Q You don't know where she was when the war broke out? A No, si r.

HENRY MELTON, recalled, further testified:
MR. DAVENPORT: Henry, what was your wife's father's name, do you know? A Robert Vann.
Q Did he belong to the same men you did? A No, sir.
Q Did you ever know him before the war? A Yes, sir; he was living with Joe Vann.
Q Did Nelson Murrell's wife belong to the same party that you belonged to before the war? A Yes, sir.
Q Well, where was she when the war broke out? A I told you she was gone.
Q Do you know where Robert Vann was? A He must have been with that woman.
Q Was he there with Vann when the war broke out , or was he in the country? A He had a ranch and he went and stold Flory from my Masters.
Q Where did they go? A I don't know where they went.
MR. SMITH: How do you know he stold her? A Wasn't I there when he brought her there to where I was.
Q Did you see him? A Yes, sir, and talked with him.
Q Did you? A Yes, sir, and hoped him get offthat night.
Q What night? A The night he left, and then I met my old boss, Walk Vann himself, waiting for me to see if he could hear from that woman, and I told him that Louin took Flory to Joe Vann's and got Mr. Joe Vann to buy her.
Q Where did Joe Vann live? A On Grand river, in the Cherokee Nation.
Q And you think he had Flora over about Joe Vann's? A I don't know.
Q What did you say about Joe Vann? A I sai d I was there when he brought her there.
Q Didn't you say a while ago that that is where she was when t he war broke out? A No, sir.
Q Have you told now all you know about this case? A Yes, sir.
Q Have you left anything for your wife to say? A No, sir.
MR. DAVENPORT: Just told the facts? A Yes, sir.
MR. SMITH: This is the second time you have been on the stand isn't it? A Yes, sir.
Q Were you asked the question the first time you were on the stand who did Flora run off with; were you asked that question?
A Yes, sir.
Q The first time you w ere on the stand? A Yes, sir.
Q Did you say "I don't know, my old woman can tell you?" A I said-
Q Did you say "I donIt know?" A No, sir.
Q You didn't say that at all? A No, sir.

PHILLIP R. CAESAR, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:
MR. DAVENPORT: What is your name? A Phillip R. Caesar.

Q Where do you live, Mr. Caesar? A Muskogee.
Q Where were you at the close of the war? A At the close of the war I was in the war, in the army.
Q Where were you mustered out? A I was mustered out at Fort Leavenworth.
Q Well, after you were mustered out where did you go? A After I was mustered out I came to the Territory.
Q What part of the Territory did you come first? A First I came to Cherokee Nation.
Q Near what point? A Here on the Verdigris somewheres about the Verdigris, little creek called Snow creek.
Q How long did you stay in that vicinity there? A I stayed there only one season; one year.
Q That year did you come to the vicinity of Snow creek, Mr. Ceaser?
A It was '67, Spring of '67 that I came.
Q Well be it when it may when you came there, who were living on Snow creek? A Wasn't anybody.
Q Was there any improvements made by anyone around there?
A No, sir, only improvements I knowed of there at the time and they were little, and then I--not an improvement, but just fencing and put in a little crop of corn the year I came there.
Q How far was the improvements that you made from where Snow creek empties i nto the Verdigris? A Well, now, I couldn't tell you; it was a very short distance; we stayed right in a flat near the mouth of Snow creek and Verdigris.
Q Short distance away? A Yes, sir.
Q Are you acquaintedwith the applidant here, Nelson Murell, the gentleman who sits there, the old gentleman on the front seat?
A No, sir, I am not personally acquainted with him.
Q You are a citizen of the Creek Nation aren't you? A Yes, sir.
Q Well, during the time you lived there did anyone come in there and settle on the creek, or near there; do you remember the names of anybody? A I don't remember the names of anybody. Before I left there they was a family started an improvement up the Snow creek above I and also one up the Verdigriss; up the Snow creek from the mouth and up the Verdigris vrom the mouth of Snow Creek.
Q That was before you left there? A Yes, sir.
Q Was there any Indians in that part of the country before you left?
A Yes, sir.
Q Do you remember any of their names? A Oh, yes, I remember there was an Indian there that I did some work for, man by the name of Love.
Q You did some work for him before you left there? A Yes, sir.
Q Do you remember his first name? A The young man employed me at the time there was Simon, and Sam.
Q Where did they live with reference to where you settled, or had they built their improvements at that time? A They had started their improvements, they was down across the Snow creek from where I was.
Q Were you on the north side, what I would call the north si de of Snow creek, or south side; I mean by that, were you in between the river and Snow creek? A Between the river and Snow creek.
MR. SMITH: How far were you away, Caesar, from the mouth of Snow creek? A In about, I could not tell, it was a short distance it was just a flat.
Q Mile or ten miles? A About somewheres, a mile, might be a mile or mile and a half.
Q From the mouth of Snow creek? A Yes, sir.
Q How far was that from the mouth of Cedar creek? A I don't know a creek by that name .
Q How far was that from the line of Kansas? A The exact distance I could not tell; it was not very far.

Q About how many miles, as near as you can come at it? A Well, if I would have to say according to my judgment, because at the time I never paid any attention whether it was half or 25 miles, but living there, to Chetopa it might have been four or five miles, that I would say that then it would be just according to my judgment.
Q Well, when you left there did you leave for Chetopa? A When I left there?
Q Yes? A Yes, when I left that section of country I went to Snow creek, when I left Snow creek I went to this man Love, and from Love's I went to Chetopa.
Q How far did you live from Snow creek? A I raised one little crop on Snow creek.
Q When did you get there? A Along in the spring, about February or March.
Q Did you have a family? A No, sir.
Q Where did you live? A I lived right in a house with a man by the name of Steve Little.
Q Lived in Little's house? A Yes, sir.
Q About a mile or mile and a half from Snow creek? A Yes, sir.
Q Did you live right on the bank of Snow creek? A No, sir.
Q How far did you live? A Somewhares about a mile from the river.
Q Well, I know from Verdigris, how far from Snow creek? A About the same distance.
Q Now, how long is Snow creek? A I don't know.
Q How far is it from where you lived down there on Snow creek to the Kansas line, or where Snow creek enters the State of Kansas? A I don't know.
Q Did you ever go up the creek? A I sometimes went up it, but I can't tell.
Q You have been in the State of Kansas? A I have been, but I can't tell how long the creek is.
Q Do you don't know then anything about how far it was from where you lived to the place where Snow creek enters Kansas? A No, sir; I could not tell you.
Q Well, as a matter of fact you don't know anything about it then; you didn't see anybody living there except those you have mentioned? A No, sir.
Q Timber along there wasn't it? A Yes, sir, timber on up and down the creek.
Q You don't pretend to swear that man Nelson Murrell wasn't living there? A No, sir; I said I didn't know that he was living there as Nelson; but there was just before I left there there was a family right in the mouth of Snow Creek where I lived; there was a family started a settlement up Snow Creek from the mouth and also a family started an improvement up the Verdigris from where we lived.
Q You don't know how long those families had been there in that part of cou ntry? A No, sir.
Q Where they came from? A No, sir.
Q Don't know anything about it? A No, sir.
Q How long were you in the army? A In the army about two years and two months.
Q Where did you join? A I joined about the 9th of August.
Q What year? A '63.
Q And how long were you in the army you say? A I was in the army two years and two months somewhares about that.
Q What time did that let you out? A - I got out in September, well, in about, I was dischargedin September, '65.
Q Where were you when you were discharged? A Fort Leavenworth.
Q How long did you stay in Fort Leavenworth? A I stayed in Fort Leavenworth until the spring of '67.
Q Well, how many years? A Well, from '65 until '67.
Q And then where did you go? A - To the Cherokee Nation and from Cherokee Nation to the Creek Nation.

Q How long before you got into the Creek Nation? A I could not tell just how long, just back and forth, I was alone, single and I went to and fro from ~~the~~ one country to the other.
Q When did you first go to the Creek Nation after the war? A I went to the Creek Nation the first year I came and left from the Creek Nation, then back to the Cherokee Nation at the settlement called the Big creek settlement.
Q Don't you know when it wasyou first went to the Creek Nation?
A No, sir.
Q How did you get to be a citizen of the Creek Nation? A By Act, passage of Council acknowledging my arrival.
Q When? A I was in the Creek Nation in the limit, the 12 months.
Q Twelve months from when? A From April the 15th or 16th I suppose.
Q April 16th, what year? A From the passage of the treaty.
Q When was that? A '67, April, '67.
Q When you worked for Love where did he live? A Cherokee Nation.
Q Have a house to live in? A Oh, yes, he had a little, just little place started and I worked for him.
Q Just started; well, was it a house or not? A House I suppose.
Q Don't you know, don't you know a house when you see it?
A Yes, sir.
Q Was it a house or not? A Yes, sir.
Q Now, what year was that? A That was the year of '68, it seems to me it was the year after I left Snow Creek.
Q How early in '68 and how late? A Now, the days of the year and so on, I could not tell; it was about hay making time.
Q Do you know who built his house? A No, sir the house was there when I went there.
Q Do you know anything about a carpenter before that time that lived up on Snow creek and built Love's house?
A I don't know.
Q Wasn't any living up there? A I don't know.
Q You didn't see him? A I didn't see any, I wasn't acquainted with the people.
Q People lived around there that you didn't know anything about?
A I don't know; it might have been these people I am talking about.

Com'r Needles: This testimony will be made part of the record in the case at bar, and it will also be made part of the record in Cherokee Freedmen doubtful cases #550, #552, #758, #923, #788 and #994.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notesthereof.

J O Rosson

Subscribed and sworn to before me this October 25th, 1901.

Commissioner.

JD550

...MENT OF THE ...
...SSION TO THE FIVE CIVILIZED TRIBES
FILE
APR 23 1902
...ACTING CHAIRMAN

File with C. F. D-650.

C. F. D. 548.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 15, 1903.

In the matter of the application of Nelson Murrell et al. for enrollment as Cherokee Freedmen.

APPEARANCES:
Applicants represented by Mellette & Smith, Vinita, I.T.
Cherokee Nation represented by W. W. Hastings.

W. H. NICKEMS, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A W. H. Nickems.
Q What is your age, Mr. Nickems? A 64.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Yes, sir.
Q Where were you living when the war closed? A When it closed?
Q Yes, sir, say in '65? A I lived five miles west of Scott.
Q You mean Fort Scott? A Yes, sir, Fort Scott, in Bourbon County.
Q Were you married then? A Yes, sir.
Q Living on a farm? A Yes, sir.
Q Did you know a colored man by the name of Nelson Murrell? A Yes, sir.
Q When did you learn to know him? A It was about the latter part, I don't know just exactly what month it was, of '65.
Q Was he living in the country or in town? A He was living in the country.
Q On whose place, do you remember? A On Isaac Allen's place.
Q How far did you live from him? A Oh, hardly half a mile, I would say half a mile.
Q Did you know Joe Ross? A Yes, sir.
Q Where did he live? A Why it was said that he lived with his father-in-law, I believe they called him.
MR. SMITH: I object to anything that was said unless you know Nelson was his father-in-law.
MR. HASTINGS: Well, you knew him anyway? A I knew him.
MR. SMITH: The counsel for the applicant objects as to the witness's statement as to where Joe Ross lived because he does not state from his own personal knowledge.
MR. HASTINGS: You do state of your own personal knowledge that you knew him? A I knew him.
Q And he lived around there somewhere? A He lived, he stopped----
MR. SMITH: I object to that because it is a leading question.
WITNESS: He stopped there where his father-in-law lived.
MR. HASTINGS: How long did you continue to know Nelson Murrell, how long did he live on that place, Allen place? A I think he moved in '66, about the first of the year, it might have been that it was a little later or a little earlier.
Q First of what time? A '66.
Q Of '66? A It might have been that it was just the latter part of '65 that he moved; I knew that he lived there right on the same place till he moved.
Q And where did he move to? A He moved about four miles and a half west of me on a farm that was known by John Todd's farm.
Q Did you live between him and town at that time after he had moved?
A Yes, sir.
Q Did you ever have occasion to see him after that time? A Yes, sir, I saw Nelson after that.

Q Well, for how long did you continue to see him? A It was in '67 sometime; I don't recollect just what time it was. I see him often passing backwards and forwards; he lived west of where I lived and the road that they travelled from Marmaton to Scott, Fort Scott, why passed right by my place, part of the time passed right in front of my house, and part of the time there was another road just west of my house a half a mile. I see him passing backwards and forwards.
Q Did you ever see Joe Ross after he moved away from the Allen farm? A Yes, sir.
Q Well, how long did you continue to see him up there? A I think it was in '67, the last that I ever recollect seeing of him; I might have seen him later than that.
Q You might have seen Nelson Murrell later than that? A Why I might have.
Q That's as late as you remember? A Yes, sir.
Q Do you know what finally become of Murrell, where he went to from that country when he left? A No, sir.
Q Do you know where he claimed he was from? A He claimed he was from the Nation.
Q How far was that from the Cherokee Nation? A Which?
Q Marmaton up there? A Marmaton, I don't know what the distance is from here to Marmaton.
Q Well, up from the line at Chetopa, Kansas? A I don't know just how far it is.
Q Well, it isn't the same tier of counties, don't border on the Nation line does it? A No, sir.
MR. SMITH: I understand that you are not certain about the time that you last saw Nelson Murrell, the man that you talk about, in Kansas; you couldn't tell us the date that he left? A No, sir, I saw him in '67.
Q How about Joe Ross? A I saw him in '67.
Q Which was the older of the two men? A Nelson.
Q Was he a married man or a single man, Nelson? A Married man was that was my understanding.
Q Well, did you know his wife? A No, sir.
Q Don't know what her name was? A Do not.
Q Where have you been living how ever since that time? Ever since the war closed? A Living on a farm that I bought in '65, five miles west of Fort Scott, and still remain there.
Q Were there a good many or just a few colored people in that country at the time the war closed? A Yes, sir, quite a good many.
Q Do you remember when all of them left or when each one left? A I don't remember just when they left there, there is quite a good many of them that I know.
Q Well, you don't know if it's true that you saw Nelson Murrell in '67 you don't know where he was all of the time during '65 and '66 do you? A Well, I think I do.
Q Well, do you know it? A In '65 he lived on the Allen place in a half a mile of me, and I don't know but he remained there up to '66; I rather think he did.
Q He may have left there sometime during the year of '65? A Yes, sir, he might have done, but I think it was the latter part of '65 or perhaps it was the first of '66.
Q Well, all you can testify to is that you saw him there in Kansas as late as '65, you don't know where he was before that all of the time? A No, I don't know where he was, but I knew where he lived or where they said he lived, I don't know just where he was.
Q You don't know where he lived except from what was said? A Oh yes, sir, I knew where he lived, he lived on the John Todd farm, and he lived on the Allen farm that I knew of from '65 to '67.
Q [illegible] on the John Todd farm when he lived there? A Yes, sir.

Q well, did you see his house? A Yes, sir.
Q See him? A I seed his house.
Q You didn't see him though on the John Todd farm? A I see the house on the John Todd farm, and my understanding was that Nelson lived there.
Q That was just your understanding; you didn't know it personally?
A Oh I seed them about the place, I knew them well enough when I was passing there, I knew them when I seen them.
Q Why of course you knew them, but did you see them when you was passing there? A Yes, sir.
Q Well, who did you see? A I see Nelson there.
Q Who else? A Why I have seen the family.
Q Well, you didn't know his wife? A No, sir.
Q Well, you don't know whether you saw her or not? A No, I don't know whether I saw her or not.
Q Well, all you really know as to the John Todd place is what people said about where he lived? A Why he certainly lived there.
Q Well, do you know it of your own personal knowledge? A No, sir, I wasn't in his house, no, sir.
Q What is your occupation? A Farmer.
Q Live in Kansas? A Yes, sir.
Q Lived there ever since the war closed? A Yes, sir.
Q Well, now, how is it that you could remember that long about the movements of these colored people? A They was part of the people that worked for me.
Q Well, did Nelson work for you? A No, sir.
Q Well, then the fact that the other colored people worked for you wouldn't have anything to do with your remembering Nelson? A I was right in his yard, the road passed almost right through Nelson's yard, also the road passed right to his house when he lived on the Todd farm.
Q Well, Mr. Nickems, how long had it been since Nelson Murrell had moved from that community until you were called upon to remember it, until you were asked how long had he been gone when you were first asked about the date; how long had he been gone? A Why I don't recollect, my recollection is just what I knew about the folks.
Q Well, nothing was said to you one way or the other about the time he left until a short time ago, was there? A Why I knew what time, or about the last time I seed him, I don't pretend to say that he left at that time, but the last time I do say that I saw him was in 1867.
Q Well, how many years elapsed before you had a conversation with anybody relating to the time he left? A I couldn't tell you just exactly how many.
Q Well, was it thirty or thirty-five? A Oh twenty-eight or thirty years, some place along there.
Q Well, then, if it was twenty-eight or thirty years, with whom did you have the first conversation about that date? A I don't know as I recollect who I told, we might have talked about these folks, because there were parties of these folks that worked for me.
Q Well, there was Nelson, you wasn't talking about him, he didn't work for you did he? A No, sir.
Q Who did you first talk with about Nelson Murrell twenty-eight or thirty years afterwards? A The first talk I had was last fall I believe in regard to Nelson.
Q Well, who did you have that talk with? A Well, with, I can't recall the man's name, but he is an officer of Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q Well, you didn't remember then just when Nelson had left there did you? A I knew that he left there in '67.
Q What means did you have to refresh your recollection, if any, as to the time when he had gone? A I see the man in '66, and I saw him in '67, my recollection is good enough to know when I saw him

a man at that time why I don't forget it.
Q You didn't have any business transaction with him at all, did you, with Nelson Murrell? A No.
Q Now about thirty years afterwards you just remember, dry so, whether he had left there in '65 or '67? A I recollect that is the last that I saw him, I don't know when he left there, but the last time that I saw this man was in '67 and I saw him in '68.
Q You had nothing to fix that on your memory just except your general--- A I was very well acquainted with Joe Ross, and he kept me posted on his father-in-law.
Q Well, now, tell me how Ro kept you po ted about Nel on Murrell?
A Well, Ro worked for me one, wapped horse with him at one time.
Q Joe Ro s? A Ye , sir, Joe Ro s.
Q Well, is that all--is that the only time you ever wapped horses up there? A Oh no, no.
Q Who else did you ever swap horses with? A I don't know, I used to trade horses considerable.
Q Can't tell all the people you traded with? A Could tell part of them.
Q Can you tell me anybody else you traded horses with in '67 and '68? A Oh, traded a good many times, you recollect about '65 it was trading part of this country.
Q Well, I don't recollect much about it. Nothing at all to fix that particular time on your memory with regard to Murrell further than you have stated here in your testimony? (No response)
Q Was there anything now to fix the time when you last saw Murrell further than what you have stated in the testimony which you have given? A I don't know of anything anything more than just what I have given.
Q Do you remember when the Commission sat at Vinita, Indian Territory, up here in the Cherokee Nation, taking testimony in these cases? A I do not.
Q Where were you last October? A Where was I? I was at home, sir.
Q Was that about the time that they were talking to you about this case? A I don't recollect.
Q Well, do you know whether it was earlier or later? A I think it was along in the fall.
Q You don't know whether it was earlier or later than October?
A No, I don't just recollect.

JASPER FORTNEY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Jasper Fortney.
Q What is your age, Mr. Fortney? A I am nearly 65, 64 past.
Q Mr. Fortney, do you reside in Kansas? A Yes, sir, Fort Scott, Kansas.
Q That your postoffice? A Yes, sir.
Q Do you live right in town? A Yes, sir.
Q I will ask you to tell the Commission when you came to Kansas, when you located there? A We landed in Bourbon County, Kansas, on the 5th day of April, 1868.
Q How far from Fort Scott? A Eight miles.
Q What direction? A West.
Q How far was that from either the town or the river at Marmaton?
A Two miles from the Bend out there, one mile from the river; the river runs in a northwest direction there.
Q Did you know a man by the name of Todd? A John Todd, yes, sir.
Q Did he own a farm out there? A Yes, sir, several of them.
Q Did you know a colored man by the name of Nelson Murrell? A Yes, sir.
Q When did you learn to know him? A The year of 1868.
Q How soon afte you landed there? A Oh I should say, speaking at random, immediately.
Q Where did he live? A He lived a quarter of a mile west from where I

moved to.
Q On whose farm? A On John Todd's farm.
Q Do you know Joe Ross? A Yes, sir.
Q Where did he live? A He lived in the same house with Nelson Merrell.
Q How long did you continue to know Nelson after you located there? A Until the fall of the year '69.
Q Fall of the year '69? A I think that is the time, sir, that is the best of my remembrance.
Q Make a crop there on Todd's place? A Yes, sir.
Q Both years of '68 and '9? A I think so.
Q Did you know his wife? A Yes, sir.
Q Do you remember her name? A Merrell's wife?
Q Yes, sir. A Eliza or Liza we always called her, Aunt Liza.
Q Did you know Joe Ross's wife? A Yes, sir.
Q What was her name? A Sarah.
Q They lived there together? A Lived in the same house.
Q Do you know what became of Murrell, this Nelson Murrell that you speak of? A He left there to come to the Nation, this country was then known with us as the Nation, down to the Nation.
Q Well, did you ever hear of him being down here afterwards? A I have heard of him; I never saw him. Moved onto the Verdigris River in south, nearly south, of Coffeyville.
MR. SMITH: I object to that because it does not appear that the witness is testifying from his own personal knowledge.
MR. HASTINGS: You only heard of that? A Only heard about it.
Q Through whom did you hear it? A Through my brother.
Q Did your brother know him up there? A Yes, sir.
MR. SMITH: I move to strike that out, being hearsay.
MR. HASTINGS: It is a circumstance by identification.
Q He lived in about a quarter of a mile did you say of you? A Yes, sir.
Q Were you married at the time you moved there? A Yes, sir.
Q To your present wife? A Yes, sir.
Q She is here with you? A Yes, sir.
Q Did Murrell or his wife either work for you some? A Yes, sir, occasionally helped us a little. Merrell would help on our farm and help when we needed help and his wife helped our women with the housework.
Q Where did you come from to Kansas? A West Virginia.
Q And you weren't in Kansas then prior to April, 1868? A No, sir.
Q And you got acquainted with Nelson Murrell after that time? A Yes, sir.
Q What is your occupation, Mr. Fontney? A By profession I am a civil engineer, not doing much of anything now.
Q Little past that age? A I am not able to.
MR. SMITH: Well, this man Murrell that you speak of, you don't know where he was of course in '65? A No, sir.
Q Nor '66? A No, sir.
Q You don't know when he made the first trip that he made to the Cherokee Nation? A No, sir.
Q Well, at the time you knew him did you know where his family lived, have you ever been to the house? A Oh many a time.
Q Didn't own any farm there did he? A No, sir.
Q Well, what kind of work was he doing? A Farm work.
Q What kind of work did he do for you? A Helped us with the farm work, making fence, helped to thresh, and so on.
Q What kind of employment did you give him, by the day, week, month or year? A By the day usually.
Q By the day? A Yes, sir, I think so. Because he worked no considerable length of time at any one time continuous service.
Q Well, what kind of work did his wife do for your family? A Worked by the day, I reckon, sir.

Q Washed, did she, or cooked, or what? A Did washing and helping clean house and so on, women's work.
Q By the day? A By the day, I think so, sir, the women usually employed their help and did the paying also; but she, like her husband, worked no considerable time continuously for us.
Q Now what was her name you say? A Eliza, sir, we called her Aunt Liza in speaking to her.
Q How old was she at that time? A How old was she?
Q About, yes, sir; was she a young woman, or middle-aged or old?
A Middle-aged I would say, 40 or 45 years old.
Q Well, then, all you know about it is that after you went to Kansas you saw this man in Kansas, and that he worked for you, and his wife worked some for you by the day? A Yes, sir, and that they were there continuously for nearly two years, residing there.
Q Well, how far did they live from you? A About a quarter of a mile.
Q During two years? A We come there on the 5th day of April, 1868, and they were there I think late in the fall of '69.
Q At the same place? A At the same place in the same house, sir. Ross, Merrell, and their families all residing in the same house.
Q On whose farm? A John Todd's.
Q Well, what were you doing at that time? A I was farming.
Q How long did you continue to farm? A After that?
Q Well, just from the time you went there? A Well, most of the time for fifteen years; no, I will correct that, 12 years.
Q For the first two or three years after you went there were you farming continuously? A Continuously, yes, sir.
Q On what farm? A On the farm belonging to my father and brother, adjoining the one on which Merrell and Ross lived.
Q Was Murrell there all of the time during that time? A He resided there all the while, sir, he might have been away temporarily, I can't say.
Q Do you remember whether he was away at all or not? A No, sir, I don't remember after that.
Q Well, why do you say he resided there all of the time? A His family was there; that was his home.
Q It was because this woman whom you called Aunt Liza was there that you say he resided there? Is that correct? A Oh, he had his crop there, he had his farm tools there, and stock, he had some little stock, cows, I think, and horses, they was there.
Q Was he an old man or a young man? A I would think he was near 50 years old.
Q When? A At that time, 45 to 50, somewhere along there.
Q Have you ever seen him since he left there? A No, sir.
Q You don't know whether it was the same man who applies in this case or not? A Nothing only the name, sir, that is all.
Q Did he always go by the name, the man you knew, by the name of Nelson Murrell? A As far as I knew he did, yes, sir.
Q You never knew him by any other name? A No, sir.
Q So far as you know you don't know where he went to when he left there of your own personal knowledge? A Only what he told me.
Q What who told you? A Nelson Murrell.
Q I thought your brother— A You asked me if I had seen him, I said I hadn't since that time, and I don't know where he resides further than what my brother said. But I did know where he said he was going.
Q Who did he say it to? A Said it to me.
Q Then? A Just before he came down into the Territory.
Q Well, who came with him if any one? A Joe Ross, his son-in-law, and family.
Q What about the woman Aunt Liza, did she come? A Yes, sir.
Q Now when did you say that was? A Fall of '69 I think, sir.
Q The fall of '69? A Late in the fall of '69 that they came down

to this country or to the Territory, I won't say this country.
Q Well, what makes you so positive that it was that long after you first came to the country that they left? A Because, sir, Nelson Merrell had grown a crop, grown on John Todd's farm, in '69, and my brother and I helped to harvest it and helped to thresh it, and so on.
Q In '69? A My brother cut the harvest for him; I helped in the field as a harvest hand.
Q When did you first think about the time he had left afterwards, how many years had it been? A I don't know that, sir, I don't know when I first thought about it.
Q Well, you have had some conversation about it since I suppose? A Not until--nothing more than my family and I might speak of Aunt Eliza or Uncle Nelson, or hear indirectly something from them or something of them, why it might come up, I don't know that there was anything else to bring it up specially.
Q Well, with whom did you first talk as to the date, when did you first get to talking about the date when he had left there with anyone for the purpose of fixing the time in your mind? A I don't know when I first did, sir, may have spoke of it many times in the last thirty years.
Q Well, do you remember when the Commission was enrolling freedmen down here in the Cherokee Nation in about '96, Kern and Clifton Commission? A Oh, I may have read of it or heard of it.
Q Were you a witness then at that time? A No, sir.
Q Well, now when you first were asked about what you knew about Nelson Murrell how long had it been since he left there, how many years had elapsed, that's what I want to know, you see what I am asking you? A I was interrogated within the last four or five or six days, I will say a week; a gentleman came to see me to know if I knew anything of Merrell, and if I knew when he left, if I knew who his wife was, if I knew Joseph Ross, and if I knew his wife. Those questions have been asked me, yes, sir; and I answered affirmatively.
Q Well, was the inquiry with regard to Merrell, as you state, or Murrell? You said Merrell as I understood you? A Well, sir, Nelson Merrell.
Q How would you spell it? A I don't know, sir. I don't know that I ever spelled it or was asked to.
Q Well, would you say that it was Murrell or Merrell? A Well, after studying it over I would say if I was going to spell it that it was M-e-r-r-e-l-l.
Q Then you were mistaken when you said Merrell? A Well, it was probably a mistake in pronunciation, yes, sir, you and I might pronounce it differently.
Q Well if it was spelled M-u-r-r-e-l-l you wouldn't call it Merrell, would you? A It might be thus pronounced.
Q Well, how would you get Merrell out of M-u-r-r-e-l-l? (No response)
Q Well now, it had been when you were interrogated, as you speak of, something more than thirty years, hadn't it? A '69 and 30 would be 100; yes, sir, thirty years, over thirty years since he left there.
Q Did you have anything by which to refresh your recollection in books or papers? A No, sir.
Q Well, now could you remember exactly the year that you and your brother had harvested a particular crop for thirty years back without anything whatever to assist you in arriving at that date? A Well, sir, I can answer that by saying that if I never did a job for a man except one time, and that was in the year that he left the country when that work was done, that I could arrive at a definite time.
Q Well, did you ever do any other work for any other one man who left the country at any particular time? A I don't remember.
Q Were you able to arrive at this particular

date thirty years after it happened? A Simply by my own remembrance, that is all.
Q By your own remembrance? A Yes, sir, I have nothing by which to refresh my memory or anything of that kind.
Q You don't think you could be mistaken about it? A No, sir, I think not.
Q How was that? A I think not.
Q Well, are you sure? A I am as sure of that as I could be of anything else transpiring that long since, that's my remembrance.
Q That's the best of your recollection at this time? A Yes, sir.
Q You couldn't say as positively that that was true as you could about something that happened yesterday or last year, could you? A Well, pretty nearly in this case; I don't think that there is anything that vitiates my remembrance at all of the time of his leaving there, and the time we went there.
Q How many colored people do you suppose left that country since you went there? A I don't know.
Q Many or few? A I suppose there have been a good many that have left there by death and otherwise.
Q Can you give the dates when they left, all of them? A I didn't have any business with them, therefore I wasn't intimately acquainted, not very intimately acquainted with them, I have known them when them.
Q Then you couldn't tell about the time when the majority of them went away? A No, sir.
Q What time in the year did you arrive there yourself? A 6th day of April, 1868.
Q Who did you bring with you? A Brought my family, and my father and his family.
Q Your mother and your own family and your father and his family?
A Yes, sir.
Q Never moved away from that immediate country afterwards? A No, sir, never lived in that county ever since.
Q Well, did you ever do any civil engineering after you went there?
A Yes, sir.
Q How many times? A Several times in my time; worked for this railway, southern and Gulf Railway, we called it the Memphis, the Frisco it is now, and the Missouri Pacific Railway Company.
Q How long after you went to that county? A I was county engineer elected in 1888, and was the county engineer for four years more, did the work.
Q Up to that time had you done anything except farm work?
A No, sir, very little civil engineering prior to that time.
Q Did Rose and Murrell live there together? A Yes, sir.
Q When they start? A Well, I knew when they did start, but whether I saw the wagons start when he left the house or not I can't say now. I knew they were getting ready to start and that they did start.
Q What did they take with them? A Took their families with them.
Q What else? A What little stock they had I think.
Q Well, how much did that consist off? A I can't answer you now, I don't remember as to that.
Q Didn't seem to be much of a job for them to move did it? A They came in wagons, had two wagons I think.
Q How many families? A Had two families.
Q Took one wagon to move what one family had? A Yes, sir, I guess that's about the amount of transportation they had.

VASHEY FORTNEY, being first duly sworn, testified as follows:

Q What is your name? A Vashey Fortney.

Q What is your age, Mrs. Fortney? A 62.
Q Is Mr. Fortney, who just left the stand, your husband? A Yes, sir.
Q Your postoffice is Fort Scott, Kansas? A Yes, sir.
Q Do you live in town? A Yes, sir.
Q Where were you born? A West Virginia.
Q Were you living in West Virginia during the late Civil War?
A Yes, sir.
Q Were you married before or after the war? A Married just before the war broke out.
Q When did you come to the State of Kansas? A The spring of '68.
Q Your husband come with you? A Yes, sir.
Q Where did you first locate? A Near Marmaton.
Q In the country? A Yes, sir.
Q On a farm? A Yes, sir.
Q Did you ever know a colored man there by the name of Nelson Murrell? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q Did you know a colored man by the name of Joe Ross? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q About how far did they live from you after you located there?
A Well, I would say about a quarter of a mile just guessing at it.
Q How long after you came there did you become acquainted with them, learn to know them? A Well, almost immediately, because they were our nearest neighbors, and they worked for us.
Q Were they living there when you moved there? A Yes, sir.
Q How long did they continue to live there? A Well, the year of '68, and I think the fall probably of '69, at least I won't go any further than that, I am quite positive that they were there until the fall of the next year.
Q Of [illegible]? A Yes, sir.
Q Live there on this same place where you found them? A Yes, sir.
Q And you lived there on an adjoining place a quarter of a mile distant? A Yes, sir.
Q [illegible] in the country was it? A Yes, sir.
Q [illegible] where they went when they left there or where they said [illegible]? A Well, I know what they said, they said they [illegible] Nation, and further than that——
[illegible] object to that, I want to know who said that.
[illegible] Well any of Murrell's folks? A Well, yes, sir, they [illegible] it, and of course we were anxious to know about them [illegible].
Q [illegible] they was making the preparations for their removal [illegible], sir.
MR. SMITH: Well, I object to that because the statement of no one that is not a party to this action can be taken.
MR. HASTINGS: These are the same parties.
MR. SMITH: Well, I don't think so. Counsel objects to the statement made by any other person except the party to this suit.
MR. HASTINGS: (To witness) They said they were coming to the Nation? A Yes, sir.
MR. SMITH: That question is objected to.
MR. HASTINGS: You never saw them after that time? A No, sir.
Q Did the women folks work for you? A Yes, sir.
Q Did you know Murrell's wife's name at that time? A Yes, sir, Sarah I think was what they called her.
Q Did you know Joe Ross's wife's name? A That was Sarah, yes, sir.
Q Well, did you know Nelson's wife's name? A Yes, sir, that was Eliza, was Aunt Liza we called her.
Q You know whether Mrs. Murrell was any relation to Joe's wife or not? A No, sir, I don't know.
Q You don't know what the relationship was? A No, sir.

Q Did you see them frequently? A Yes, sir.
Q Could you see their house from yours? A Yes, sir.
Q Plain sight? A Yes, sir.
Q Across the field was it? A Well, we would have said down the road.
Q You came to Kansas from West Virginia in the spring of '68? A Yes, sir.

MR. SMITH: Well, how long now after Nelson Murrell had left Kansas before any discussion of the time when he left came up; how long? A I heard nothing at all about it until recently.
Q Well, about how recently? A Well, I don't think it's both more than a week or two weeks.
Q Well, then at that time did you have any recollection as to the time he had left there or did you have to look it up or talk with your husband or someone else about it? A No one at all. What I know, of course I am just telling you what I know.
Q Well, what I am talking about now after this time had elapsed, after that many years had gone by, did you remember it or did you have any way by which to refresh your recollection? A Remember it, sir, quite well, just as I am telling it.
Q That was about how long; something over thirty years after they had gone away, wasn't it? A Thirty years.
Q Something over that I say? A Well, now, we had been here, let me see, we come here the spring of '68, April, '68, and this is 1902, let's see how long.
Q Well, now, during all that time did you keep it in your mind that they left were in a certain year during a certain year; what I want to know is why and how that was fixed upon your mind, that particular date when they left? A Well, I was just thinking about how long we had lived there, how long they had worked for us, and I am not positive as to the second year, sir, at all; but I think the fall. I can just remember of seeing the covered wagons, just as well when they were all getting ready, and I knew it was rather cold weather. I think it was very late in the fall when they moved away; I don't know just exactly, I am not positive as to the time they left just exactly.
Q [illegible] you positive as to the year? A Yes, sir, I am positive as to that.
Q [illegible] in the [illegible] did you not hear? A The 6th day of this present month, April.
Q You never have seen that man Murrell since that time? A No, sir.
Q [illegible] Ross? A No, sir.
Q You don't know whether they are the same persons who are applying at this time for admission or not? A I don't know, did you say?
A I don't know, well I presume so.
Q I know, but what do you know about it, I don't want to know what you presume, but what you know? A Well, yes, sir, I would say they were the same parties.

MR. HASTINGS: Comes now the representative of the Cherokee Nation and moves that this testimony be filed with and made a part of the record in the following cases, for the reason that these parties claim to have returned to the Cherokee Nation after the war along with and at the same time that Nelson Murrell came, as follows: Joe Ross, F. D-542; Jacob Ross, F. D-539; Esau Fox, F. D-508; and Steve Looney, F. D-519; together with the cases in which the testimony of these last forementioned cases is thrown, which are as follows: D-650, D-652, D-758, D-823, D-473, D-475, D-544, D-549, D-551, D-799, D-541, D-540, D-543, D-545, D-838, D-547, D-537, and D-621, in addition to the case at bar.

MR. SMITH: The counsel for the applicants objects to this testimony being made a part of the record in any case except in those cases in which the cases have already been connected, because

the statements of the witnesses examined in this particular case today as to the time when Nelson Murrell left Kansas as they claim would not affect the cases of other persons because this record does not show that Nelson Murrell made only one trip to the Cherokee Nation; and further, the testimony taken in this particular cause upon notice to this particular applicant would not be competent testimony in the other cases in which it is sought to be made a part of the record.

MR. HASTINGS: The record shows that proof of notice to take testimony was had and filed upon the attorneys for the applicants in these five leading cases, being Nelson Murrell, D-548, Joe Ross, D-542, Jacob Ross, D-852, Steve Looney, D-519, and Essu Fox, D-508, and the testimony heretofore taken in these cases and introduced by the applicants themselves is to the effect that they all returned and moved to the Cherokee Nation together after the war; that they came along in the same crowd with Nelson Murrell and Joe Ross, about whom the witnesses introduced today testified, and for that reason the testimony of these witnesses is relevant in all of these cases.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 18th day of April, 1902.

P. L. Reuter

Notary Public.

G.D. 550.

DEPARTMENT OF INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 28 1909

ACTING CHAIRMAN

(Inst. Letters)

Department of the Interior,
Washington, D. C.,
June 28, 1909.

Commissioner to the Five Civilized Tribes,
Muskogee, I. T.

Sir:

Referring to your letter of June 10, 1909, in the matter of the application of Lucy Ann Vann to be enrolled as a citizen of the Choctaw Nation, you are advised that the action of the Department in the case of Lucy Ann Vann, as set forth in its decision of June 1, 1909, is hereby vacated and set aside.

Respectfully,
Frank L. Campbell,
Acting Secretary.

C.J.L.-548.--4.

C. F. D-548.

To be filed with the following Cherokee Freedman cases: D-550, D-552, D-758, D-923, D-473, D-475, D-508, D-537 and D-621.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., APRIL 29, 1902.

In the matter of the application of Nelson Murrell, et al. for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-548.

Applicant represented by Mellette & Smith.
Cherokee Nation represented by J. S. Davenport.

SIMON SCALES, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Simon Scales.
Q Where do you live, Simon? A At Fort Scott, Kansas.
A Do you know how old you are, Simon? A I do, sir, about, near about it.
Q Well about how old do you think you are? A Going on 61, on the 25th of last March.
Q How long have you been living at Fort Scott, Kansas, Simon?
A Well, sir, near about thirty-one or two or three years.
Q About how long? A Thirty-two or three years, along there.
Q Well did you go there before or after the close of the war?
A After the war, sir.
Q Do you remember that distinctly; you don't know what year, but after the war closed? A Yes,sir.
Q Well after you went to Fort Scott, Kansas, did you get acquainted with a colored fellow by the name of Murrell? A I got slightly acquainted with him.
Q Did you ever know what his first name was? A I disremember.
Q You don't know what his name was? A I forget what his first name was; I got acquainted with him slightly, just passing by him coming in.
Q Did you know where he lived? A No,sir; I never did know where he lived; I know he lived up the river above us a mile or two.

JOHN KILBURN, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A John Kilburn.
Q What is your age? A I will be 56 the 20th of October coming.
Q What is your post-office? A Marmaton, Kansas.
Q How long have you lived near Marmaton, Kansas? A Since '65, since August, '65.
Q You went there after the close of the war, did you? A Yes,sir.
Q Since you went to Kansas did you get acquainted with a colored family by the name of Murrell? A Yes,sir.
Q Do you know what the first name of the man was? A I think his first name slipped my mind. Nelson Murrell, Nelson Murrell I think was his name.
Q Where was he living when you first got acquainted with him?
A On John Todd's place.

Q Where is that from Fort Scott or Marmaton, Kansas, now, how far?
A Well it's a mile and a half west of Marmaton, and about eight miles of Fort Scott.
Q You say he was living on John Todd's place? A Yes,sir.
Q Did he have a family at that time, or do you know? A When I was there, just him and his wife.
Q Well, that's what I mean; was he keeping house? A Yes,sir
Q And lived on John Todd's place? A Yes,sir.
Q What were the circumstances of your getting acquainted with him that you remember him that well? A Why I went there to break prairie for John Todd.
Q They had a man on this place, he was living there? A Yes,sir.
Q Well? A That was the most convenient place that I knowed of, so I stopped the wagon there, and I slept in the wagon and boarded with him.
Q Boarded with them, they cooked for you? A Yes,sir.
Q Now when was that, Mr. Kilburn? A Well I guess that was in '68, it might have been '69.
Q Well did he move away from that country after that, or do you know? A He moved away, but I don't know when. Don't know where he went.
MR. MELLETTE: You simply stopped there with him while you was breaking prairie there? A Yes,sir.
Q Didn't know him very long then, did you? A No,sir.
Q Don't know where he had been before that, do you? A No,sir.
Q Don't know where he went after that? A I don't.
Q Are you certain it was in the year '68? A Well, that or '69.
Q How long did you breal prairie there? A I expect it was a couple of weeks, I disremember.
Q Well now when was your attention first called, when were you first asked about what you knew about this man with a view of your being a witness in this case? A By Mr. Rucker.
Q How long ago? A I guess it's six weeks ago, might have been over that.
Q Then you remembered back thirty-five or forty years and remembered exactly what you seen two weeks when you was breaking prairie? A Yes,sir.
Q You have got a pretty good memory, haven't you? A Why I don't know that I have.
Q Who talked to you about this case first; that gentleman, do you know? A Yes,sir.
Q What's he got to do with this business? A Couldn't tell you.
Q What's his name? A Rucker. C. T. Rucker.
Q Where does he live? A Fort Scott.
Q Is he getting up evidence for the Cherokee Nation up there? A I ain't positive about that.
Q He was around inquiring of you what you knew, was he? A Yes, sir.
Q What did he say to you? A He wanted to know if I ever knew a man--now as near as I can recollect--if I knew a man by the name of Murrell, a colored man that used to live down there.
Q Did he say he was going about there getting what people knew about these cases? A I don't think he said anything about that.
Q Is he the witness that testified in the Pomp Brown-- Lewis T. Brown case a while ago? A I think he did.
Q And he came to you inquiring what you knew about the Nlson Murrell case? A Yes,sir.
Q That he was getting up testimony up there, isn't he? A Well I just inferred that he was, I never heard him say that he was.

Q Can you remember every man that you broke prairie for two weeks thirty five years ago? A No,sir.
Q Why can you remember this man then? A Well I'll tell you how I know about the time. I had a homestead up there about three miles from this Todd place, and I broke--I was breaking prairie for the man that built my house on that homestead, and then there was a man by the name of Hill and he built the house on the homestead, and then I broke a piece for Mr. Stanley, another neighbor, and then I went to break for Mr. Todd and then I went up with the team,it was about the first team that I ever owned, and I went threshing with another man, hired to him on the threshing machine; that's how I remember.
Q That's the reason that you remember that you met Nelson for two weeks thirty-five years ago? A I know that's why I remember Nelson Murrell, yes,sir.
Q You didn't even remember his first name when you was first asked the question? A I didn't.
Q Have you ever seen him since you saw him there? A I don't remember that I have.
Q Don't know whether he is the man that has applied here or not for enrollment, do you? A I would just say that he was; I don't know anything about it.
Q Never have seen him? A No,sir.
Q All you have heard is that they was asking you about Nelson Murrell? A Yes,sir.
Q Well did you come away down here just to swear that? A I suppose that's what they got me here for. Looks that way to me.
Q You don't know where Nelson Murrell was in '66, do you?
A I do not.
Q '67? A I don't; let me see; no, I don't know where he was in '[illegible]?
Q And you didn't know where he was except the time you speak of?
A That's all.
[illegible] When you was spoken to about what you knew [illegible] Murrell by Mr. Rucker there was no inducement offered [illegible] to get you to swear anything other than the truth [illegible] what you knew? A No,sir.
Q [illegible] anybody ask you to swear to anything other than what you knew in regard to the matter? A I don't think they asked me to swear to anything, just asked me what I knowed about it.
Q You was then subpoenaed, was you not? A Yes,sir.
Q Was there anything said to you about there being an association for the defense of the Cherokee Nation as against the claimants down here; was there any information given you that there was an organization for the purpose of trying to defeat the claimants?
A I never heard of any organization.
Q You come as any other witness after you had been talked to as to what you knew and then was subpoenaed; you came upon a subpoena after Mr. Rucker had talked to you as to whether you knew Nelson Murrell or not? A Yes,sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-550, D-552, D-758, D-923, D-473, D-475 and D-548, the case at bar; also in Cherokee Freedmen cases No. D-508, D-537, and D-621.

C.F.D-548.---4.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of May, 1902.

P. G. Reuter,
Notary Public.

(Notarial Seal)

I, George W. Irwin, stenographer to the Commission to the Five Civilized Tribes, being first duly sworn, state that the foregoing is a true and complete copy of the original transcript in the above case.

George W. Irwin

Subscribed and sworn to before me this 25 day of June, 1902.

P. G. Reuter
Notary Public.

D 550

F.D-548.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 15, 190 2.

In the matter of the application of Flora Murrell for the enrollment of herself as a Cherokee freedmen.

SUPPLEMENTAL TO D-548.

Applicants appear by Thomas Owen, representing Melette & Smith, Vinita, Indian Territory.
Cherokee Nation represented by W.W. Hastings.

STEPHEN LITTLE, being first sworn, testified as follows:

MR. HASTINGS: That is your name? A Stephen Little.
Q Where do you live? A Live in Cooweescoowee District of the Cherokee Nation.
Q. Well give me your postoffice? A. Lenapah.
Q. What is your age? A Going on 77.
Q. Do you know Flora Murrell? A I do.
Q. Is she the wife of Nelson? A Wife of Nelson Murrell, she wasn't when I first knew her.
Q Well when you first knew her who was she the wife of? A A man by the name of Vann, I think they called him.
Q. Well what was his first name? A. Well I forget his first name
Q Well do you know it was Lowen? A Lowen vann.
Q Where were you living when you first knew Lowen Vann and Flora his wife? A I was living on Snow Creek.
Q. On Snow Creek? A Yes sir.
Q. After the war? A After the war, yes sir.
Q. How long had you been living there after the war when they move into that neighborhood? A Oh I had been there a very little while, I had been there I think four or five or six years, I know I had been there five years.
Q. You know you had been there five years? A I know I had been there five years.
Q. Did they have any children? I think they had five or six.
Q. Do you know any of their names? A Yes, sir, there was Sonny, and Charley and Florence, I know them, and another called Lila.
. Did you know Lowen Vann well? A Know him well?
Q. Yes. A Oh, yes, sir, knew him well as I knew anybody.
Q. Did you ever talk to him about where he had been? A Never had any particular talk as I know of about where he had been, but I heard him say he had been to Mexico and he and I talked Mexican some together.
Q. You and he talked the Mexican language together? A Yes sir, Mexican language.
Q Said he had been to Mexico? A Yes, sir.
Q Did he say what part of Mexico he had been in? A I don't know, if he did I don't remember it.
Q. Well he talked the Mexican language did he? A Yes sir, good.
Q He was the husband of Flora Murrell? A At that time, yes sir.
Q The father of Charley Vann? A Yes sir, I suppose so.
Q. You didn't know him before the war? A No sir.
Q He talked the Mexican language did he. A Yes, sir.
Q You talked it? A He talked it and I talked it.
MR. OWEN: When was that that you knew him? A When he lived up on Snow Creek.
Q. How was that? A When I lived up on Snow Creek there.
Q. I say when was that? A Well it was sometime in sixty- I think

that must have been sometime in '70 along there.
Q Well why do you think it was in '70? A Because the time I moved there-
Q Well is there anything special that makes you think it was in '70?
A Yes sir something special.
Q What was it? A I had planted some apple trees, and I put them out first, and I know it must have been three or four or five years and that time they was bearing apples.
Q And they had just begun bearing apples? A Just begun to bear apples.
Q When you was talking with him? A Yes sir.
Q You put them out when you first went there, did you? A The first year after I went there.
Q You went there in '60? A Yes sir.
Q You put out your apple trees in '61. A '66 I went there.
Q You went in '66 so the Cherokees says, I went there in '66, that's the reason I am here to-day.
Q You have proved already before the Commission that you was there in '66 have you? A I didn't have that to prove, they all knew it.
Q Your neighbors knew that? A Yes sir.
Q What month did you go there in? A Me ?
AQ Yes you? A In April.
Q April 1866? A Yes sir.
Q Where did you come from? A I went from Leavenworth, Kansas.
Q When did you go to Mexico? A Never have been there.
Q How did you learn the Mexican language? A My boss always kept Mexicans at our house, he would trade them, and I heard them talking the language, and I learned it.
Q You learned it without going to Mexico? A Yes sir .
Q This other fellow that you testify about talked with you, Mexican
A Yes, sir, that Lowen did.
Q Didn't you say a while ago in your cross examination that you went there in '60? A Went where.
Q Where you live? A '66.
Q How old was them apple trees when you put them out? A Oh I don't know how old they was, I expect they were two years old or something like.
Q Two years old when you put them out? A I expect so .
Q And they was just beginning to bear? A Bearing when they come there.
Q When you first got acquainted with him? A Yes sir.
Q How long had he lived there in that community before you met him?
A Before I met him, why he didn 't live there long because he come there across the river from where I was, and I heard that some of his kin folks had come, and they was backwards and forth across the river there every day or two, see him.
Q He hadn't been there long before you met him? A No sir.
Q How long was it before you found out that he could talk Mexican?
A Oh I couldn't tell you, he was a Catholic and I was a Catholic, and we got to talking, and then he would let me know that he could talk Mexican.
Q Could you learn Mexican in that day and time without [illegible] Mexico? A Well he could, couldn't he?
Q Well you learned it without going there didn't [illegible] sir.
Q Do you know anybody else that did? A Yes, sir. [illegible]
Q Lots of them learned Mexican without going to [illegible] right where I was a man has all black folks could [illegible]
Q The fact that a mancould talk Mexican was [illegible] he had been to Mexico? A Not much, no, sir.
Mr. HASTINGS: You heard him say that he had been [illegible] you learned Mexican up there around- A Up there about [illegible] Missouri.

Q. Up there where they talked Mexican? A They would come there in the first of fall and stay until cold weather and go away and they wouldn't stay with the white folks, and that's the reason.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmen cases: D-850, D-552, D-758, D-923, D-473, D-475, and D-548, the case at bar.

Arthur O. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur O. Croninger.

Subscribed and sworn to before me this 20th day of May, 1902.

(Signed) P. G. Reuter.
Notary Public.

(SEAL)

M. E. Kaufman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above copy which is a true and correct copy of the original transcript in the above case.

M. E. Kaufman

Subscribed and sworn to before me this 7th day of July 1902.

P. G. Reuter
NOTARY PUBLIC

NOTICE OF APPEAL

Filed this day of July, 1908.

Subscribed and sworn to before me this day of July, 1908.

Notary Public

JUL 5 1908

IN THE SUPREME COURT OF THE TERRITORY OF ARIZONA

No. 1, on Appeal.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 21, 1908.

In the matter of the application of Alfred P. Hopkins of Muskogee, I.T., for enrollment as freedman.

APPEARANCES:

Hon. A. H. Brown, for appellee & appellant.
Hon. Thos. Harrison, for appellant.

BEFORE:

Hon. J. T. Dickerson.

"This case is in the record in the case of Lizzie Hopkins, a freedman, against the Choctaw Nation, being that of Steve Hopkins, a freedman, against the Choctaw Nation, and the testimony in the case of Lizzie Hopkins will be considered with the testimony in the case of Steve Hopkins.

"The Commission, being duly advised in the premises, finds that Steve Hopkins is a freedman and entitled to be enrolled as such, and the proceedings in the case of Lizzie Hopkins, being a proceeding in the nature of a writ of error and correct transcript of the proceedings in the Commission to the Five Civilized Tribes in the matter of the application of Steve Hopkins for enrollment as a freedman, being duly advised in the premises, finds that Lizzie Hopkins is a freedman and entitled to be enrolled as such.

"Dated this 21st day of July, 1908."

Subscribed and sworn to before me this day of July, 1908.

Notary Public

NOTICE OF APPEAL

IN THE SUPREME COURT OF THE TERRITORY OF ARIZONA

MR. HASTINGS: The Choctaw Nation makes that the testimony taken in freedman Dorsey of the Commission to the Five Civilized Tribes in behalf of the Choctaw Nation, being that of Steve Hopkins, a freedman, against the Choctaw Nation, be made a part of the record in the case of Lizzie Hopkins.

Filed in the Supreme Court of the Territory of Arizona this day of July, 1908.

Clerk of the Supreme Court.

Filed in the Supreme Court of the Territory of Arizona this day of July, 1908.

Clerk of the Supreme Court.

P. D-550.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 21, 1902.

In the matter of the application of Alfred P. Hopkins et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-550.

APPEARANCES:
Lewis T. Brown, representing Mellette & Smith, for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that the testimony taken in behalf of the Cherokee Nation, being that of Steve Little, in Freedman Doubtful 548, be made a part of the record in this case.

COMMISSION: The request of the Nation will be complied with and the testimony filed.

Arthur G. Groninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Arthur G. Groninger

Subscribed and sworn to before me this 1st day of July, 1902.

(Seal)

Notary Public.

8 10566

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 1 1902

ACTING CHAIRMAN

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Kellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Alfred P. Hopkins, D 550;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and perfect transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

P G Reuter
Notary Public.

Department of the Interior,

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thomas,	Cherokee Freedmen D— 58,
Ella Vann,	Cherokee Freedmen D— 79,
Mary Markham,	Cherokee Freedmen D—109,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—119,
Ella Mayfield,	Cherokee Freedmen D—124,
Sallie Rider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Midleton,	Cherokee Freedmen D—178,
Mary Harlin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—183,
John Kimbo,	Cherokee Freedmen D—198,
William S. Madden,	Cherokee Freedmen D—199,
Jane Bean,	Cherokee Freedmen D—205,
Albert T. Thomas,	Cherokee Freedmen D—249,
Mary Campbell,	Cherokee Freedmen D—279,
Caroline Daniels,	Cherokee Freedmen D—282,
Melvina Alberty,	Cherokee Freedmen D—287,
Dave Morris,	Cherokee Freedmen D—288,
Alexander Claggett,	Cherokee Freedmen D—303,
Amanda Martin,	Cherokee Freedmen D—304,
Eliza Martin,	Cherokee Freedmen D—317,
John E. Barnes,	Cherokee Freedmen D—318,
Bell Davis,	Cherokee Freedmen D—335,
Samuel Brown,	Cherokee Freedmen D—345,
Howard F. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—349,
Maude Manley,	Cherokee Freedmen D—353,

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
Kender Lampton,	Cherokee Freedmen D—423,
Thomas E. Allen,	Cherokee Freedmen D—424,
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Ross,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kizzie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—608,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellis Warren,	Cherokee Freedmen D—667,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—691,
Frances Martin,	Cherokee Freedmen D—692,
Mary Riley,	Cherokee Freedmen D—696,
Emanuel Taylor,	Cherokee Freedmen D—699,
Henry Sykes,	Cherokee Freedmen D—733,
Larkin P. Powell,	Cherokee Freedmen D—735,
Stepney Dawn,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—742,
Annie Foster,	Cherokee Freedmen D—743,
Mary H. Rogers,	Cherokee Freedmen D—752,
George Washington Lane,	Cherokee Freedmen D—758,
Jane Brown,	Cherokee Freedmen D—760,

Samuel L. Young,	Cherokee Freedmen D—761,
John Buckner,	Cherokee Freedmen D—780,
Willie Cox,	Cherokee Freedmen D—781,
Leonard Bowles,	Cherokee Freedmen D—787,
Malinda Murrell,	Cherokee Freedmen D—788,
Charles Claggett,	Cherokee Freedmen D—789,
Samuel Irven,	Cherokee Freedmen D—798,
Mary Ross,	Cherokee Freedmen D—799,
Maggie Nave,	Cherokee Freedmen D—808,
Neoma Nave,	Cherokee Freedmen D—816,
Ella Ross,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—880,
Georgeann Archer,	Cherokee Freedmen D—901,
John Claggett,	Cherokee Freedmen D—912,
Hattie Smith,	Cherokee Freedmen D—923,
Jack Jackson,	Cherokee Freedmen D—938,
Lula Sanders,	Cherokee Freedmen D—973,
George Hazelrig,	Cherokee Freedmen D—987,
Lizzie West,	Cherokee Freedmen D—990,
Maria French,	Cherokee Freedmen D–1010,
Mary Johnson,	Cherokee Freedmen D–1039,
Maggie Vann,	Cherokee Freedmen D–1062,
William Hudson,	Cherokee Freedmen D–1067,
Sarah Rogers,	Cherokee Freedmen D–1078,
Abraham Ballard,	Cherokee Freedmen D–1082,
Laura David,	Cherokee Freedmen D–1085,
John Deckman,	Cherokee Freedmen D–1105,
James B. Perry,	Cherokee Freedmen R— 39,
Isaac Welch,	Cherokee Freedmen R— 45,
Lawson Logan,	Cherokee Freedmen R— 48,
George Howell,	Cherokee Freedmen R— 56,
Henry Masir,	Cherokee Freedmen R— 72,
George Adams,	Cherokee Freedmen R— 82,
Annie Thomas,	Cherokee Freedmen R— 83,
Lewis McConnell,	Cherokee Freedmen R— 86,
Callie Vann,	Cherokee Freedmen R— 94,
Lou Peters,	Cherokee Freedmen R— 96,
Ida Adair,	Cherokee Freedmen R— 99,
Robert Brown,	Cherokee Freedmen R—100,
Allie Chambers,	Cherokee Freedmen R—102,
Isom Jones,	Cherokee Freedmen R—104,
Alice Gunter,	Cherokee Freedmen R—105,
Katie Adair,	Cherokee Freedmen R—106,
Currie Martin,	Cherokee Freedmen R—107,

Benjamin Clark,	Cherokee Freedmen R—108,
Emily Looney,	Cherokee Freedmen R—110,
John Groves,	Cherokee Freedmen R—112,
Matilda McNair,	Cherokee Freedmen R—117,
Bettie Vann,	Cherokee Freedmen R—122,
Nelson Lett,	Cherokee Freedmen R—125,
Fannie Rogers,	Cherokee Freedmen R—129,
William Washington,	Cherokee Freedmen R—131,
Squire Warren Owens,	Cherokee Freedmen R—143,
Fannie Goldsby,	Cherokee Freedmen R—144,
Susan Daniels,	Cherokee Freedmen R—146,
Anderson Turk,	Cherokee Freedmen R—148,
David Lane,	Cherokee Freedmen R—155,
Felix McClain,	Cherokee Freedmen R—165,
Henderson Jones,	Cherokee Freedmen R—173,
Belle Vann,	Cherokee Freedmen R—181,
Levi Stroud,	Cherokee Freedmen R—196,
John Sumpter,	Cherokee Freedmen R—311,
Mariah Thompson,	Cherokee Freedmen R—330,
Ellen Sheppard,	Cherokee Freedmen R—337,
Lula Melton,	Cherokee Freedmen R—347.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Midleton for his wife, Cassie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William S. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as ci ens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
AUXIDIARY CHEROKEE LAND OFFICE.

Muskogee, Indian Territory, February 16,1906.

In the matter of the allotment of lands to Delilah Hopkins and her minor children, Ira S., Lucinda, Gussie, Johnnie, Nancy, Alfred, Lena and Charlie Hopkins, Cherokee Freedman Card No.(doubtful) 550.

Alfred P. Hopkins, being sworn, testified as follows:

Q What is your name? A Alfred P. Hopkins.
Q How old are you? A 48
Q What is your postoffice ? A Coffeyville, Kansas.
Q What was your postoffice in 1901 when you made application for the enrollment of the family? A Collinsville, Indian Territory.
Q What is the name of your father? A Wm Hopkins.
Q The name of your mother? A Lucinda Hopkins.
Q Are you married? A Yes sir.
Q Give the name of your wife? A Delilah Hopkins.
Q Give the names of your minor children. Just those under the age of 18. A Ira S., Lucinda, Gussie, Johnnie, Nancy, Alfred, Lena and Charlie Hopkins.
Q Are these childre n living? A Yes sir.
Q Wife living? A Yes sir.
Q Are they living with you ? A Yes sir.
Q Do you make any claims as Freedman in the Cherokee Nation. A I have got an application as a Cherokee Freedman by intermarriage.
Q Do you desire lands to be allotted to your wife and minor children?
A Yes sir.
Q That is your object in appearing at the Land Office today? A Yes.
Q Are you acquai nted with the lands? A Yes sir.
Q Saud lands are suitable for an allotment are they? A Yes sir.
Q Does the land lay west of Grand river? A Yes sir.
Q Have you made any application for land at either Vinita or Tahlequah for either your wife or children? A No sir.
Q Is your wife unable to make appearance at the land office and make personal selection? A Yes sir
Q What is the condition of her health? A Very poor.
Q Under care of Physician? A Yes sir. From time to time she is.
Q Her condition is such that you do not think it safe for her to come? A Yes sir on account of the weather now.

(WITNESS EXCUSED)

Blanch Ashton upon oath states that as stenographer to the Commission to the Five Civilized Tribes she accurately recorded the testimony in the above entitled cause and that the foregoing is a correct transcript of her stenographid notes thereof.

Blanch Ashton

Subscribed and sworn to before me this the 16th day of February,1906.

W. J. Hulsey

Notary Public.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

[illegible]
[illegible] I. T.
[illegible]
[illegible]tor.

COPY

Cherokee Freedman
D-550.

Muskogee, Indian Territory, January 24, 1905.

Alfred P. Hopkins,
Collinsville, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated, January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Encl. L-64.
Register.

COPY.

Chairman Thacker

Cherokee Freedman
D-205 et al.

Muskogee, Indian Territory, January 24, 1905.

Edgar Smith,

Attorney for Jane Bean et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the applications for the enrollment of Jane Bean, Albert T. Thomas, Melvina Alberty, Alexander Claggett, Amanda Martin, Maud Manley, Katie Davis, Charles Williams, John J. Rose, Alex Johnson, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Mahalay Ward, Millie Robinson, Frances Martin, Mary Riley, Samuel Irven, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Ida Adair, Robert Brown, Isom Jones, Alice Gunter, Katie Adair, Susan Daniels, and Levi Stroud as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Encl. L-122.
Register.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John M. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Hender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Tayler, Henry Sykes, Larkin F. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Emma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Kazalrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Jackman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mahir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1906, rejecting said applications.

Respectfully,

Tams Bixby.
Chairman.

Incl. K-8.
Through the
Commissioner of Indian Affairs.

Cherokee Freedmen
D-24 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Betson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, [illegible] Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Edward F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kendar Lampton, Thomas E. Allen, Lewis Vanderford, John I. Bowlin, Katie Davis, Charles Williams, John F. Rose, Jane Martin, Lena Robertson, Alex Johnson, Martha Vann, John Scott, Nancy Rose, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Minnie Vann, Freddie Looney, Lucy

Chouteau, Alice Durant, Wahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Wave, Neoma Wave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hasslrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mazir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Loonsy, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Incl: K-9.

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following: Land. 7908-1905

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann Freddie Looney, Lucy Cheuteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren,

Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox,

Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neema Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled

or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that name is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of December 12, 1904 (I. T. D. 2242-1904) in the Lemuel Velasco case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
Wi

(C O P Y)

W C F
F H E

D. C. 20677-1905.

I.T.D. 2904-1905

L R S

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

April 17, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vanny, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Claude Manley, George Reed Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Rowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Lokney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Tayler Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett , Samuel Irven, Mary Ross, Maggie Wave, Neoma Wave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann Lou peters, Ida Adair, Robert Brown, Allie Chambers Isom Jones , Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney , John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS RYAN
Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen
D-14, et al.

Muskogee, Indian Territory, April 26, 1905

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the application for the enrollment of William Davis et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Dixby.
Chairman.

COPY

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-550.

Muskogee, Indian Territory, April 28, 1905.

Alfred P. Hopkins,

Collinsville, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-530.

Muskogee, Indian Territory, April 28, 1905.

Edgar Smith,

Attorney for Alfred F. Hopkins,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the application for the enrollment of Alfred P. Hopkins as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedman
D-550 et al.

Muskogee, Indian Territory, May 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the applications for the enrollment of Delilah Hopkins et al., as Cherokee freedmen.

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

(SD). Tams Bixby.
Chairman.

Incl. L-60.

COPY.

Cherokee Freedmen

D-550.

Muskogee, Indian Territory, June 2, 1905.

Delilah Hopkins,

Collinsville, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for the enrollment of yourself, et al. as Cherokee freedmen.

You are advised that you will not be permitted to make allotment selections until your names have been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which you will be duly notified.

Respectfully,

T. B. Madden

Commissioner in Charge.

Incl. S-23

COPY.

Cherokee Freedmen

D-550, et al.

Muskogee, Indian Territory, June 2, 1905.

Edgar Smith,

Attorney for Delilah Hopkins, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for the enrollment of Delilah Hopkins, et al. as Cherokee freedmen.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Incl. S-26.

Cher Fr 1457
Trans. from Cher Fr D 552

Cher Fr 1457

1451

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6, 1901.

In the matter of the application of Charles Vann for the enrollment of himself, and one child as Cherokee Freedmen, and for his wife as intermarried Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Edgar Smith, of Mellette & Smith, for applicant;
Mr. W.W.Hastings, for Cherokee Nation.

Q What is your name? A Charles Vann.
Q How old are you? A About 36.
Q What is your post-office address? A Coffeyville.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My wife and one child.
Q What is your wife's name? A Kizzie Vann.
Q How old is she? A About 29 I think.
Q What is the name of your child? A Willie Vann.
Q How old is Willie? A About 10 or 11 years old.
Q Is Kizzie Vann the mother of Willie? A Yes sir.
Q What was her father's name? A Kizzie Vann's father?
Q Yes? A William Hopkins.
Q Is he living? A No sir.
Q What was her mother's name? A Lucinda Hopkins.
Q Is she living? A No sir.
Q What is your father's name? A Robert Vann.
Q What is your mother's name? A Flora Murrell.
Q Are they living? A Mother is living.
Q Your wife's father and mother are both dead? A Yes sir.
Q Is your wife's name on the roll of 1880? A No sir.
Q She claims by intermarriage? A Yes sir.
Q She is a non-citizen woman then? A Yes sir.

Examined by Attorney Smith:

Q Where do you live, Mr. Vann? A I live on Verdigris River, near the mouth of Snow Creek.
Q In what nation? A Cherokee Nation, Cooweescoowee District.
Q How long have you lived there? A I have lived there right there for 27 years or 26.
Q Have you always lived in the Cherokee Nation? A Yes sir.
Q Who did you state was your mother? A Flora Murrell.
Q Whose wife is she now? A Nelson Murrell.
Q Is she the same Flora Murrell who applied here for enrollment along with Nelson Murrell this morning? A Yes sir.
Q When were you married to your wife Kizzie? A I was married in '88.
Q Where? A At Watt Starr's, in Cooweescoowee District.
Q Who married you? A Judge Watt Starr
Q Where did you then go to live? A Up on Snow Creek where I am living now.
Q How old is your boy, Willie? A It is a girl, 10 years old.
Q Where did you get your license? A I never got no license, we was just married by the judge.
Q Married by Judge Watt Starr? A Yes sir.
Q Was he a Judge at that time? A Yes sir.
Q What kind of Judge was he? A District Judge, for Cooweescoowee District.

Charles Vann et al 2

Examined by Commissioner Needles:

Q Have you got a certificate of marriage? A Yes sir.
Q Please present it? A (Produces papers.) and hands to attorney Smith)

Mr. Smith:

Q When did you get this paper? A I got it since I have been here.
Q Who signed it? A Watt Starr.

(Mr. Smith: I would like to offer that. (Hands paper to Cherokee Rep've Hastings)

Com'r Needles: Applicant files satisfactory proof of his marriage.

Kerr-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 125 #3114 Charles Vann, (No district)
page 125 #3115 Will Vann, (No district)

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows;
page 177 #3291 Charles Vann, Cooweescoowee District.

Examined by Cherokee Representative, W W.Hastings:

Q Did you ever live in Kansas? A No sir.
Q Ever work up there? A No sir.
Q Ever live in Mexico? A No sir.
Q Where were these children born? A Born on Caney.

Examined by Com'r Needles:

Q Have you been living with your wife continuously since you married her? A Yes sir.
Q Were you ever married before? A No sir.
Q Was she ever married before? A No sir.
Q You are living with your wife now? A Yes sir.
Q Willie is alive and living with you? A Yes sir.

Cherokee Rep've Hastings: The Cherokee Nation offers in evidence the decision of the Supreme Court of the Cherokee Nation, found on pages 86 and 87 of the Minutes of Special Court of Commission, Supreme Court, 1871, with reference to the rights of intermarried colored citizens, as follows:

"Tuesday morning, June 20th, 1871, Court convened.- Present same as yesterday-- the making out of Report Continued until the Court announced the following decision Regarding Certain Colored Men who have married Colored women of the Nation,

To wit:)

The Court of Commission after mature reflection feel Authorized to decide against all Cases before it, Wherein Colored or Black men are claiming Citizenship from marrying Black female citizens under the law "Regulating Intermarriage with White men" as they are convinced a correct interpretation of said law will not authirize a clerk of any of the Courts to issue a License to a Black man to marry a Black woman as it only alludes to, and was intended for Waite men and Cherokee Women.

The Court believe it is further sustained in the opinion the colored citizens are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter, Therefore decide,

Charles Vann et al 3

The following named persons are not entitled to Cherokee Citizenship as claimed,"

To-wit:-

George Washington-- Coo wee scoo wee Dist.
Henry Johnson Tah le quah "
Lee Cooper " "
Henry Bird " "
William Maddin " "
(_____) " "
Solomon Foster, Illinois Dist.
William Hudson, Illinois Dist.
Haywood Youngblood, Sequoyah Dist."

Attorney Smith: Applicant objects to the introduction of the foregoing testimony for the reason that the matter offered shows upon itsface that this applicant nor either of the persons for whom he applies was a party to the alleged proceeding of the Supreme Court of the Cherokee Nation, and for the further reason that it is incompetent, immaterial, and does not tend to prove any issue in this case.

Com'r Needles: Charles Vann applies for the enrollment of himself and child, Willie Vann, as Cherokee Freedmen, and forhis wife, Kizzie, as a Cherokee Freedman by intermarriage; the name of Charles Vann cannot be found upon the authenticated roll of 1880 or thecensus roll of 1896; he is duly identified upon the Kern-Clifton and the Wallace rolls; he presents satisfactory proof of his marriage to his wife, Kizzie, whose name was Kizzie Hopkins, a non-citizen, in the year 1888; satisfactory proof as to residence is made, ~~xxxx~~ Charles Vann avers that he is the child of Flora Murrell who has been ~~xx~~ this day listed for enrollment upon D 548, and the testimony of said Flora Murrell, Bob Webber and Sam Webber, in said application will be made a part of the record in the case at bar, and copy of said testimony will be filed with the testimony taken in the case of the applicant; Charles Vann and his child Willie will be listed for enrollment asCherokee Freedmen on a doubtful card, and his wife, Kizzie, will be listed for enrollment as aCherokee Freedman by intermarriage upon a doubtful card, awaiting the further consideration of the Commission; the applicant will be notified by mail of the decision of the Commission when arrived at.

----****----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony andproceedings in this case and that the foregoingis a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 8th, 1901.

T B Needles

Commissioner.

Q But you didn't go and tell the owners where he was? A No sir.

Com'r Keedler: Melson Murrell applies for the enrollment of himself and wife, Flora; they are duly identified on the Kerns-Clifton and the Wallace roll; but they cannot be identified upon the authenticated roll of 1890 or the census roll of 1896; they make satisfactory proof as to residence, - by reason of the fact that their names are not upon the authenticated roll of 1890, and because of the protest of the Choctaw Nation, said Nelson Murrell and his wife, Flora, will be duly listed for enrollment as Choctaw freedmen, a [illegible] claim of the Commission [illegible]

----****----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D.Green,

Subscribed and sworn to before me this June 8, 1901.

(signed) T.B.Keedler,

Commissioner.

----****----

M.D.GREEN, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original thereof.

Commissioner.

To be filed in case of Charles Vann, et al, CFD-552.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 6th, 1901.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife as Cherokee Freedmen; said Murrell being sworn and examined by Commissioner T.B.Needles, testified as follows:

Appearances:
Messrs. Smith & Mellette, for applicants;
Mr. W.W.Hastings, fCherokee Representative.

(Testimony of Flora Murrellin foregoing styled case.)

FLORA MURRELL, being called and sworn by Commissioner T.B. Needles, testified as follows: BY MR. SMITH:
Q State your name? A Flora Murrell.
Q How old are you? A Well if I remember right I think the last dayof this last June I was 70.
Q Where do you live?A I live on Snow Creek between Snow Creek and the Verdigris River.
Q In what Nation? A In the Cherokee Nation.
Q How long have you lived there, in the Cherokee Nation?
A All my life.
Q Were you born a slave? A Yes, sir.
Q To whom did you belonged at the time the war commenced?
A Lewis Melton and Susie Melton.
Q Were they Indians? A Yes, sir.
Q Cherokee Indians? A Yes, sir.
Q Citizens of the Cherokee Nation? A Yes, sir.
Q Where were you during the war?A I was up in Big Bend.
Q Where is Big Bend?A Up on the Arkansas River.
Q In what Nation?A Well it was in the Cherokee Nation.
Q Did you go out of the Cherokee nation at all during the war?
A No, sir.
Q Where were in the year 1866 immediately after the war closed?
A I was at Big Bend, I don't know none of that time.
Q You don't know dates? A No, sir.
Q Well, have you ever lived out of the Cherokee Nation at all?
A Never has.
Q Who were the members of the family of Lew Melton and his wife, about whom you have spoken? A Susie Melton, Nancy Melton and Mary Melton, and had a daughter named Susie, George and Cathering and Edward Melton, Moses Melton.
Q In what part of the Nation were you living when the war commenced?
A We was living on the place where.
Q Don't care about the place but what part of the Cherokee Nation were you living?A Bigd Creek.
Q What town would that be as the towns are built now? A There wasn't no towns near us then anymarer than Tahlequah.
Q Well, how far did you live from Tahlequah? A They calledit a hundred miles.
Q You don't know howfar it was? A No, sir.
Q Now, this place you are talking about living what town if any has been built up near that place since? A I don't know sir as there is any, I aint been to the place since the war.
Q You state that you weren't out of the Cherokee Nation during the war? A No, sir, I wasn't
Q Have you ever been married before you married Murrell? A Yes, sir
Q Who was your husband?A Louin Vann, they called him in Cherokee, his name was Robert Vann in English.
Q Was he a slave? A Yes, sir.
Q Who did he belong to? A Joe Vann.

(2)

Q Was Joe Vann an indian? A Yes, sir.
Q Cherokee Indian? A Yes, sir.
Q Here in the Cherokee Nation? A Yes, sir.
Q How long were you and Louin Vann married? A Well, I don't know Hardly just how long we was married.
Q Did you have anychildren while you were his wife? A Yes, sir.
Q What are their names? A We had eight children, I haven't got but three living.
Q Give me the names of these children? A Sonny Smith.
Q Is that a manor woman? A He is a man.
Q And whatis the nextone's name? A Charley Vann
Q What is the next child's name of the three living? A Lila Hopkins, she is married.
Q Is that meant for Delilah or just Lilah? A Meant for both but we just called her Lilah.
Q Is she married? A Yes, sir.
Q Whom did she marry? A She married Oliver Hopkins.
Q Where does she live? A She lived on Caney.
Q In what Nation? A Cherokee Nation.
Q How long has she lived there? A I don't know just how long she has been there, pretty near ever since they have been married.
Q How long have theybeen married? A I don't know; beenmarried long enough to have seven or eight children.
Q How old is the oldest child? A I don't know, I think she is in her sixteenth year.
Q Where was Lilah before she married? A She was living with me.
Q Where did she live up to the time she was married? A With me.
Q Where does your son, Charley Vann, now live?
A He lives in about a half smile from me.
Q Where? A On Snow Creek.
Q In what Nation? A Cherokee Nation.
Q Is Charley Married? A No, sir.
Q Whatis his wife's name? A Her name is Kizzie.
Q How many children has he got? A One.
Q Whatis its name? A William Vann, she is a girl.
Q These three children, Charley Vann, and Lilah Vann and Soonny Smith are your children? A Yes, sir.
Q Where had Charley lived up to the time he was married?
A Lived out here withme.
Q Where did Sonny live? A He lived out home with me, whenhe was not working out.
Q Where does Sonny live now? A I know not where.

BY COM'R MEEDIES:

Q Flora, you say you never lived out of the Cherokee Nation?
A No, sir.
Q You were born a slave? A Yes, sir.
Q Is your name on the roll of 1880? A Not as I know of.
Q Why is it not on? A I know whenthey was taking the census of 1880, Rufus Ross taken them, he come up there, he didn't go up to my house, and mother went out and she come back and got me and when I got up there it was late in the evening, and Rufus told me to come back the next morning and meet him at Chouteau and he would put my name down and when I went there hewas gone.
Q Your name never did get down? A No, sir.
Q Are you married to Murrell? A Yes, sir.
Q Are you on the Kern-Clifton roll? A Yes, sir.

The 1880 Authenticated Roll of Freedmenof the Cherokee Nation examined and names of applicants not found thereon.
The 1896 Census Roll of Freedmenof the Cherokee Nation examined and names of applicants not found thereon.
The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 170, #4184, Nelson Murrell, Cooweescoowee District;
Page 125, #3101, Flora Murrell, no district given.

(3)

The Wallace roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 127, #2672, W.Nelson Murrell, Cooweescoowee District;
Page 128, #2689, Flora Murrell, Cooweescoowee District.

BY MR. HASTINGS:

Q You made a statement here about Rufus Ross taking the census roll in 1880? A I don't know what year it was, I don't know as I said when he taken the census.
Q You don't know whether itwas in 1880 then or not?A No, sir, I don't.
Q Were you living with Nelson Murrell then? A I was married to Mr. Murrell thenliving at home with him.
Q Do you remember whatyear you were married to Mr. Murrell? A No, sir.
Q Do you remember how long after the war? A No, sir, I don't.
Q How old is Charley Vann?A I don't know that just exactly but I think he is along about 33 or 34, I don't know exactly.
Q Where was Charley born? A Born at Big Bend.
Q Big Bend where?A It was up on the Arkansas.
COM'R NEEDLES: Cherokee Nation?A It was Cherokee Nation then.
W.W.HASTINGS: It was then? A Yes, sir.
Q Where was Delilah born?A On the Arkansas River.
Q Which is the older she or Charley? A Charley.
Q How much older is Charley? A Oh, I don't know just exactly between two or three years.
Q Where was Sonny Smith born?A He was born up on Bird Creek.
Q Is he older oryounger than the other two? A Yes, is the oldest child.
Q Where were you living when the warcome up? A I was living at the Big Bend.
Q Were you then a slave? A Yes, sir.
Q Whom did you belong to? A I belonged to Lewis Melton.
Q Did Lewis Melton ever live in the Big Bend of the Arkansas? A No sir.
Q Well, who were you living with out there? AI was living with my husband.
Q Had you run off?A Yes, sir.
Q How long had you been away from your owner? A About four years.
Q Had you been living out there in the Big Bend all that time? A Yes, sir.
Q You didn't go to Muskogee?ANo, sir.
Q Never went outside of the Cherokee Nation? A Well if you call the strip and one side of the Arkansas river thatis where I was.
Q What were you doing up there that your years? A I was hiding.
Q How did you make your living? A My husband was a hunter and I had friends up there that fed me.
Q What friends did you know up there?A Dude Webber and Skiatook.
Q Skiatook who? A Thatis all I know I know about him.
Q Was hecolored?A He was a Cherokee.
Q Full-blood?A I guess he was, he talked Cherokee.
Q Didn't talk any English? A No, sir.
Q He fed you did he? A Yes, sir.
Q Who else? A Wiley Butler.
QWas he a Cherokee? A Yes, sir.
Q Did either Wiley Butler or Skiatook have any family? A Wiley Butler had but his wife was dead.
Q Is any of his family living now? A I don't know, sir.
Q Is any of Skiatook's family living? A I don't know.
Q Did you work for any people out there?A No, sir; you know I was not working for anybody out there and hiding.
Q What was Dude Webber doing out there?A He was herding cattle out there for his Mistress and I can tell you others that was out there.

Q What was his Mistress' name? A I don't know what his Mistress' name.
Q How far were you from her cow ranch? A It was right in the Big Bend.
Q Did you have a house therre? A No, sir.
Q Just lived out in the woods four years?A Yes, sir, I lived in a cave.
Q On what side of the river? A I lived on the west side.
Q Any towns near? A Not as I know.
Q You never heard of any town?A No, sir, and I never wanted to see any at that time.
Q What was your husband's jname? A Louin Vann in Cherokee.
Q He was out with you? A Yes, sir.
Q Well after the war closed did you come back? A I come right down the river.
Q In a skift? A I come back in a wagon.
Q From what point? A From the Big Bend.
Q Who brought you? A My husband brought me.
Q Just you and your husband? A And my children.
Q Where did you go to? A When I first come back I come down on Pryor Creek.
Q Is that below here? A I don't know whether it is below here; I think it is below here.
Q You know where Pryor Creek is, it runs over about20 miles and I wat to know what part of Pryor Creek?A I come down on Pryor Creek, to Mr.; I can't call his name just now.
Q Well how far from Chouteau? A I don't know, sir, how far it was from Chouteau.
Q What town was your nearest town?A WhenI came back?
Q Yes. A Wasn't anytown there at all when I came back.
Q Don't remember who you lived with there? A I didn't live with anybody but my husband.
Q Did you make a place down there?A No, sir, I just went down there to my mother.
Q What was your mother's name?A Sarah Ross.
Q How long did you stay there? A I stayed there two or three weeks and went to the Verdigris.
Q And how long was that after the war you made this first trip to Pryor Creek? A I can't tell you just exactly how long that was.
Q W as that the first trip you made here? A My mother was living at Tahlequah the first trip ~~ma~~ I made down here I went to Ben Grimmett' s.
Q Where was Ben Grimmett living then? A He was living on Pryor Creek.
Q ~~What~~ x Was that in the spring or fall?A It was in the spring, it was getting pretty warm.
Q Did all of your family go with you? A Yes, sir; didn't have any family but my children.
Q And your husband? A Yes, sir.
Q He went with you? A Yes sir.
Q In a wagon? A Yes, sir.
Q Where did you get this wagon? A I don't know he went out and got it
Q You hadn't it there during the war? A No sir; you never seen negroes have wagons and horses about when they run off.
Q I am asking you where he got it? A My husband got it he went out and got it.
Q This first trip is when you come down to Ben Grimmett's?A Yes, sir.
Q How long did you stay? A I stayed all night.
Q How long did you stay? A I went back to my cave.
Q How long did you stay there? A I don't know exactly how long I stayed there when I went back.
Q Well did you stay there a year? A I maight stayed a little longer than a year.

Q That was after the war? A Yes, sir.
Q Did you see anybody on your trip down to Ben Grimmett's?
Q Oh, I seen some Indians but I didn't stop to have any chat with them.
Q Did you see any colored people? A Yes, sir.
Q Well who? A I didn't stop.
Q Where did you see any houses? A Along the road between there and Caney, along.
Q Caney that is up on By Bird Creek? A Yes, sir.
Q Houses along there? A Yes, sir.
Q People living in them? A Yes, sir, I seen some children.
Q Well, now, where did you go to from your cave after you returned there? A The last time?
Q Yes. A I went down to Pryor Creek, mother had moved there and I went down there.
Q And then how long did you stay down there? A I stayed about two or three years.
Q That was two or three years after the war? A I said weeks, weeks is weeks and years is years.
Q About how long after the war was that when you went down to visit your mother? A Well, I don't know just exactly, I think it was about two or three years.
Q That is your best judgment? A To the best of my knowledge.
Q You stayed there then two or three weeks did you? A Yes, sir.
Q And then where did you go? A I went back to my place up on the Verdigris.
Q Was your husband alive then? A Yes, sir.
Q Did he move up on the Verdigris with you? A Yes, sir.
Q Where did he die? A He died at Pryor Creek.
Q When? A About five or six months after we got in.
Q And you afterwards married Nelson Murrell?
A Yes, sir.
Q Is any of that family Melton's family, alive that you belonged to before the war? A There was, I guess you had my young mistress before you, Nancy Sage.
Q Is she your young Mistress? A Yes, sir.
Q Was she the daughter of Melton? A Daughter.
Q Did he have any other children? A Oh, yes, he had a house full.
Q What was their names? A Betsy, Nan, Mary and Catherine, and George, Ed, Mose and Susie.
Q Where were they living when you run away? A Verdigris.

BY COM'R MERDLES:

Q Flora, what was your father's name? A Sonny Brown.
Q What was your mother's name? A Sarah Ross.
Q You were a slave? A Yes, sir.
Q Where is this Big Bend you have been talking about?
A Up on the Arkansas river.
Q Is it in the Cherokee Nation or Kansas? A In the Cherokee Nation.
Q Is it on what is known as the Cherokee strip? A No, sir, what is what is known as a Cherokee strip as I understand it.
Q That was in the Cherokee Nation? A Yes, sir.
Q This cave was in the Cherokee Nation? A Yes, sir.
Q You never went over to Kansas hiding then? A No, sir.
Q You say you went there three or four years? A Yes, sir; I run away four years before the war.
Q Did your owners ever hunt you up? A I guess they did, they had a reward out for us.
Q They never found you? A No, sir.

(Remainder of Application taken by Stenographer, M.D.Green.)

---oooOOOooo---

J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J.O.Rosson

Subscribed and sworn to before me this 12th day of June, 1901.
(signed)T.B.Needles,
Commissioner.

* * * * * * *

Continuation of this case from notes taken by stenographer, J.O. Rosson, this day.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 6,1901.

In the matter of the application of Nelson Murrell for theenrollment of himself and wife, Flora, as Cherokee Freedmen; BOB WEBBER, being sworn and examined by Commissioner Needles, testified as follows:

Appearances: Smith, of Mellette & Smith, for applicants;
W.W.Hastings, for the Cherokee Nation.

Q What is your name?A Bob Webber.
Q Where do you live?A On Lightning Creek.
Q In what district?A Cooweescoowee District, Cherokee Nation.
Q Whatis your post-office? A Hayden.
Q How long have you lived in the Cherokee Nation? A All my life, raised here.
Q How old are you? A Must be about 65.
Q Do you know Flora Murrell? A Yes sir.
Q How long have you knownher? A I have knowed her ever since I was a boy.
Q You knew her before the war? A Yes sir.
Q Do you know whether she was a slave or not? A Yes sir.
Q Do you know who she belonged to? A Lewis Melton.
Q Was he a Cherokee Indian? A Yes sir.
Q A citizenof the Cherokee Nation? A Yes sir.
Examined by Cherokee Representative, W.W.Hastings:
Q How long before the war did you know her? A Long time, ever since I was a boy.
Q You knew her when the war come up? A Yes sir.
Q Where was she then? A She was out on the Big Bend of the Arkansas.
Q Were you out there then? A I was out there, judt before the war.
Q How long before the war? A It must have been four years before the war.
Q That's the last time you saw her? AYes sir.
Examined by Attorney Smith:
Q When did you first see her after the war? A I met her down here on Pryor's Creek after the war.
Q How long after? A It must have been about four years after the was.
Examined by Commissioner Needles:
Q Did you know her owner? A Lewis Melton, yes sir, he had a mill down below Tahlequah there, and I used to go to the mill.
Q He was Flora's owner? A Yes sir.
Q Did you see her there then? A Yes sir.
Q Did you see her on Big Bend before the war? A Yes sir.
Q How far was that from her owner's place to the Big Bend?A About twenty miles.
Q Was she living there on the Big Bend? A Yes, sir, she was scouting.
Examined by Cherokee Representative, W.W.Hastihgs:

Q Living in a house? A No sir, she wasn't in no house.

SAM WEBBER, being sworn by Commissioner Needles, testified as follows:

Examined by Attorney Smith:

Q State your name? A Sam Webber.
Q Whatis your post-office? A Nowata.
Q How old are you? A About 58 as well as I can guess at it.
Q Where do you live? A I live two miles westof Nowata.
Q How long have you lived in the Cherokee Nation? A I was born and raised partly here, and then come back in '66 and have been here ever since.
Q You know Flora Murrell, the wife of Nelson Murrell? A Yes sir.
Q How long have you known her? A Ever since I could remember myself.
Q Was she a slave before the war? A Yes sir.
Q To whom did she belong? A Lewis Melton.
Q Was hea Cherokee Indian?A Yes sir.
Q When did you last see her before the war, how long before the war? A Well just about the time the war was coming up, we went up to where they lived. They had a ranch up there, my old missus had a ranch and they always sent us up there to gther up cattle.
Q Your mistress hd a ranch? A Yes sir.
Q How far did you live from there? A We lived near Tahlequah at the Double Springs, but we would go up there every year to gather up the cattle.
Q How far did you live from the ranch? A I couldn't tell you it would take us about two days travel to go there where the ranch was, but the miles I couldn't tell you.
Q Where was this you saw Flora when you saw her? A The last time?
A Yes? A She was in the Big Bend of the Arkansas.
Q How far was that from where Lewis Melton, her owner, lived?
A I don't know exactly, some ten or twelve miles, I guess, maybe little further, I couldn't tell exactly.
Q That was the last time you saw her? A Yes sir.
Q When did you first see her after the war? A I don't know just whatyear really, but then it was along some three or four years I judge after the war when I met her again.
Q Where did you see her again?A On Big Creek there.
Q How far from here? A It is about nearly 15 miles, I judge.
Q Who did she come there with? A Man named Lowan Vann.
Q Whatrelation did he bear to her? A He was her husband.

Examined by Cherokee Representative, W.W.Hastings:

Q How old are you? A I am about 58, as near as I could remember, I don't know exactly my age.
Q Youwere about 17 years old when the war come up, or 18?
A I was big enough to ride around and herd cattle.
Q Who went up there to this ranch with you? A Bob Webber and Dugh Webber.
Q Bob was along at the time you saw this party, this Bob that was a witness here awhile ago? A Yes sir, he was older than I was.
Q He would know dates better than you would about that time?
A I don't know about that.
Q You didn't tell anybody about seeing this party up there, this woman? A I was afraid to.
Q You didn't tell your owners? A No sir.
Q You didn't tell your people? A Told my parents,
Q But you didn't tell anybody else about seeing her up there?
A No sir.
Q You didn't testify for her five years ago, you didn't tell it then did you? A No sir.

Examined by Commissioner Needles:

Q You knew she was a runaway? A Yes sir, I knowed that all right enough.

(8)

Q. But you didn't go and tell her owners where she was? A. No sir.

Com'r Needles: Nelson Murrell applies for the enrollment of himself and wife, Flora; they are both duly identified on the Kerns-Clifton and the Wallace rolls, but they cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; they make satisfactory proof as to residence,- by reason of the fact that their names are not upon the authenticated roll of 1880, and because of the protest of the Cherokee Nation, said Nelson Murrell and his wife, Flora, will be duly listed for enrollment as Cherokee Freedmen on a doubtful card; they will be duly notified by mail of the decision of the Commission when arrived at.

----***----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D.Green,

Subscribed and sworn to before me this June 8, 1901.

(signed) T.B.Needles,
Commissioner.

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M.D.GREEN, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M D Green

Subscribed and sworn to before me this August 13th, 1901.

T B Needles

Commissioner.

F D. 552

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of ..... A. D. 190 .

Given under my hand this .....

day of ..... A. D. 190

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

.....day of ....., 190 .

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the day of ..... A. D. 190 ..

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

U. S. AGENT TO THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 21 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Chas. Vann for enrollment as Cherokee citizens

Case No. D 512

To Chas. Vann or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, Indian Territory, on Oct. 10th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 20th 1901.

R Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

File with Cherokee Freedman D-552, Charles Vann et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 19, 1901.

In the Matter of the application of Nelson Murrell et al. for enrollment as Cherokee freedmen.

Testimony introduced on behalf of Cherokee Nation.

Appearances:
Mellette & Smith, of counsel for applicants;
J. S. Davenport, of counsel for Cherokee Nation.

R. M. ALLEN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A. R. M. Allen.

Q Where do you live, doctor? A I live north about a mile of Coody's Bluff, when I am at home.

Q What is your postoffice? A Coodys Bluff.

Q How long have you lived in the Cherokee Nation? A Ever since 1868.

Q Where did you live prior to coming to the Cherokee Nation? A I was in Baxter Springs.

Q When you came to the Cherokee Nation in '68 to what point did you come? A Down on what is known as the Journeycake Prairie.

Q Are you a citizen of the Cherokee Nation? A Yes, sir, so recognized.

Q By blood? A By adoption, or marriage.

Q To a Cherokee? A To a Delaware.

Q Now did you come to the Cherokee Nation before or after the Delawares came down here? A Afterwards.

Q Do you know the applicant in this case, Nelson Murrell? A Well I met the old gentleman to-day, that is the first acquaintance that I have with him.

Q Where were you in '68 after you came down to the Cherokee Nation, what section of the country? A I was on the Journeycake Prairie, boarding with old man Journeycake.

Q How far was Journeycake living south of the Kansas line at that time? A Said to be about 24 miles.

Q Well was you out over that country or back and forth to the Kansas line any in the neighborhood or vicinity of Snow Creek?

A Yes, sir.

Q Who was living along near Snow Creek at that time? A The last house going to Snow Creek from Journeycake's was this man Little Buffalo.

Q What was he? A He was a Delaware.

Q Where was the first one, or how many houses along there? A After you left old man Journeycake's, the first house would be the widow Goodtraveler, and the next would be Jim Wilson, the next house a man by the name of John George lived there, and the last house right on the road was a man by the name of ~~Nikkis~~ Little Buffalo.

Q Were you out over the country around Snow Creek during that year?

A What year, '68?

Q Yes, that is the year you said you came down? A No, I don't think I was any that year.

Q Well, was you the next year? A Yes, in the fall of '69 I made a trip to the Kansas line.

Q To what point in Kansas did you go? A Well they were going to built this town called Parkersburg, and I went up there, thought maybe I would buy some lots, me and old man Journeycake and one Daniel R. Hicks, and we went right up the Verdigris Valley.

Q On what side? A East side, and I crossed Snow Creek right

where it ran into the river, there was a man lived there, or was living there the last time I was there, by the name of Singleton, I didn't know him.

Q Now how from the Kansas line is it to where Snow Creek empties into the Verdigris River, or about how far? A I don't know, four or five or six miles, I don't know how far, it is not a great ways.

Q Do you know whether or not Snow Creek heads in the Territory or Kansas? A I have heard it said it did, but I never followed it.

Q You never saw the applicant, and have been acquainted with him?

A I don't remember the old gentleman till to-day I met him and some man introduced me to him, Sam Webber I believe.

Q Was there any colored people living there on Snow Creek? A I didn't see any on that trip.

Mr. Smith: What did you say your name was? A Allen.

Q Doctor Allen? A Yes, sir.

Q Are you a physician? A Yes, sir.

Q Physician and surgeon? A Yes, sir, I followed it a while, I graduated at the Rush Medical College in Chicago in '65.

Q Well do you practice medicine out there now? A Well just a little, not much.

Q You went there when? A I landed at old man Journeycake's house on the 25th of July, 1868.

Q Is that on Snow Creek? A No, sir.

Q How far was that from Snow Creek? A Fifteen or twenty miles.

Q Then how long was it from that time until you were on Snow Creek?

A I went on Snow Creek in the fall of '69.

Q How long is Snow Creek? A I don't know.

Q Well, did you go all up and down Snow Creek from one end to the other? A No, sir, crossed Snow Creek, didn't go up nor down it.

Q Then where were you going to? A I was going to the Kansas line where they were going to built that down called Parkersburg.

Q Did they built it? A They did, afterwards.

Q How long afterwards? A The next time I was there they had quite a town there.

Q How long was that? A Might have been a year or eighteen months, might be not so long, I think I went up there, if I remember right, the 28th day of May, the next spring.

Q Well, did they have any town there when you went there the first time? A No, sir.

Q Did they have any town laid out? A I saw some lumber along down there.

Q Did they have any ~~xxxxxxxxxxxxxxxx~~ plat, town plat? A I never heard of it.

Q Didn't you inquire? A Yes, I inquired about it, but I couldn't find any man that would give me sufficient news about it to purchase any lots.

Q Did you buy any lots? A No, sir, I didn't.

Q Did you ever buy any in Parkersburg? A No, sir, never did.

Q What did you go back for the second time? A Well sir, the next time, next May I thought I would go back and buy my household utensils.

Q Did you buy them? A I did.

Q How far was it from Journeycake's where you started to Parkersburg? A Oh it is 25 or '6 miles.

Q And in what direction was Parkersburg from Journeycake? A Well sir, it is north, and I believe a little west.

Q How far was Parkersburg from the Kansas line? A Well, they didn't know where the line was in that day.

Q They didn't know? A Not then they didn't.

Q How far is it from where the Kansas line is now? A Well I suppose three or four miles, I never heard anybody say.

Q Now you started in the fall of 1869 from Journeycake's, did you?

A Nay, sir.

Q Where did you? A I started from home.

Q Where did you live? A I lived up at Coodys Bluff.
Q How far was that from Journeycake's? A About four miles.
Q In what direction from Journeycake's? A North.
Q Then you started from four miles north of Journeycake's in the fall of '69 to go to Parkersburg? A Yes, sir.
Q How did you travel? A I went horseback.
Q And was there a road to travel? A No, there was no road.
Q Wasn't any road? A No, I didn't follow any road.
Q Then did you cross Snow Creek? A Yes, sir, I crossed it.
Q Once or more than once? A I only crossed it once going up.
Q And once coming back? A Yes, sir.
Q Where did you cross it? A I crossed it going up tolerably close to the river at a place where a fellow named Singleton lived afterwards.
Q Well, how far was that from the Kansas line? A I don't know, four or five miles I guess, I think Snow Creek is about that distance from the Kansas line.
Q Well, it is not the same distance from the Kansas line all the way along, is it? A I don't know, I never followed up the Creek.
Q You don't know anything about the community below where you crossed or above where you crossed? A No, sir.
Q All you know is just the place you crossed? A Yes, sir, where I crossed at.
Q Well traveling in the direction that you were going you came right into right angles with the Creek? A I kept right up the river valley on the east side of the river till I struck the creek.
Q And crossed the creek? A Yes, sir.
Q You didn't have to follow the Creek? A No, I didn't follow the Creek.
Q You just simply crossed Snow Creek in 1869? A Yes, sir.
Q Well now then you are not prepared to say that this applicant, Nelson Murrell, wasn't living on Snow Creek in '69? A I am prepared to say I didn't see any houses nor farms in the travel
Q But you say you only touched Snow Creek at one point? A That is all.
Q And there wasn't any houses right there? A Wasn't any houses in sight, I didn't see any houses.
Q Up or down the Creek? A No, sir.
Q If there had been a house a quarter of a mile up the Creek or a quarter of a mile down the Creek you couldn't have seen it?
A Yes, sir, if a house had been out on the Prairie a quarter of a mile from me them days I could have seen it.
Q Under favorable conditions you could have seen it? A Yes, sir.
Q That is all you know about this matter, is it? A Yes, sir.

SIMON LOVE, being duly sworn by Commissioner Needles, testified as follows:
Mr. Davenport: What is your name? A Simon Love.
Q Where do you live? A Claremore.
Q How long have you lived in the Cherokee Nation? A Ever since '68.
Q Are you a Cherokee or a Delaware Indian? A Delaware.
Q Did you come to the Cherokee Nation before or after the treaty made with the Delawares and Cherokees? A After.
Q What was your father's name? A My stepfather's name was Buffalo.
Q Well, did he have any English name? A Little Buffalo they called him.
Q Did your father move to the Cherokee Nation when you did, or was you a child at that time and came with him? A I came with my stepfather and mother.
Q What was yours stepfather's name? A Little Buffalo.
Q Well, when you came to the Cherokee Nation, to what point in the Cherokee Nation did you come? A We came on Cedar Creek, about

fifteen miles from Coffeyville, Kansas.

Q On what side of the Verdigris River did you locate? A The east side.

Q How far from what is known as Snow Creek? A Six or seven miles I should judge.

Q Do you know, and did you know at that time, where Snow Creek empties into the Verdigris River? A Yes, I don't know exactly where it empties, then.

Q Had you ever been on Snow Creek? A Yes, sir, I had been on Snow Creek, but I had not been to the mouth of the Creek.

Q When you located in '68 on Cedar Creek did you make any trips or anything up and around Snow Creek? A Yes, sir, we used to go up Snow Creek going to ~~Sumpk~~ up there on Pumpkin Creek in Kansas, we did our trading up there, a man by the name of Lushbaugh kept a store.

Q Who was living on Snow Creek at that time? A I don't remember that there was anyone living there.

Q Was there any houses there? A There was one house there that I can remember, a carbenter that built our house lived there, a man named Baker, in the fall of '68 he built our house.

Q Do you know the applicant in this case, Nelson Murrell? A Yes, sir.

Q Well, how long have you known him? A I just can't tell how long.

Q Do you know where he lives now? A Yes, sir.

Q Well where does he live now in regard to where that fellow Baker lived at that time, how far? A ? A He was right south, right at the edge of the flat, Snow Creek and Verdigris flat is where Baker lived when I went after him to come and build our house; I think that was in the fall of '68.

Q Where does the applicant live with reference to that? A Right north of it.

Q About how far? A I can't tell you how far.

Q Do you know how far: that is what I am trying to get at; have you ever been to his house? A No, sir, never was at his place.

Q You don't remember then how long it has been since you knew this applicant, Nelson Murrell? A No, sir, don't remember.

Q Well, was there any colored people living around that section of the country that you saw when you went up to Baker's? A No, sir.

Q Did you ever got acquainted with a family of Littles, Steve Little's family? A Yes, sir.

Q Where were they living? A Living on Snow Creek.

Q What part of Snow Creek with reference to where it empties into the Verdigris River? A I should judge about three quarters of a mile or a mile I should judge of the mouth: of course I have never been to the mouth of Snow Creek.

Q When did they come in there and locate, if you know? A I don't know when they came in.

Q Well, how long have you known that family? A Well I have known them quite a while.

Q Well, did you get acquainted with them immediately after you came in there? A Yes, sir.

Q Well, where were they living with reference to the locality of where Baker was living, when you got acquainted with the Little family? A They lived southeast of where Baker lived.

Q Well, did they live nearer the river than Baker did, or farther away from the river than Baker? A I think they lived a little farther away, a little farther east.

Q How long since you have been in that locality? A I haven't been in there quite a while, I don't know really.

Q I believe you stated you came down after the Delawares made the treaty with the Cherokees, or before, which was it? A Afterwards.

Q Did you come the same time the Delawares came, or did your father move the same time they came? A Same time, his was the first train that came down.

Mr. Smith: Mr. Love, you and your family were among the first

Delawares that came to the Cherokee Nation after the Delawares made the treaty with the Cherokee Nation? A Yes, sir.

Q And you have lived in the Cherokee Nation ever since? A Yes, sir.

Q You are a citizen of the Cherokee Nation? A Yes, sir, only what time I have been out to school I didn't live here.

Q Well now at what place did you locate when you first came here, your family? A Right near the mouth of Cedar Creek.

Q How far was that from the Kansas line? A On a straight line about eleven or twelve miles.

Q What direction? A South.

Q Into what stream did Cedar Creek empty? A The Verdigris.

Q Into what stream did Snow Creek empty? A The Verdigris.

Q Were you ever at the place where Snow Creek empties into the Verdigris? A No, sir, I never was right at the mouth of the Creek.

Q About how far north of the mouth of Cedar Creek was the mouth of Snow Creek? A Well straight through, it is about seven or eight miles.

Q The way the roads ran how far was it? A I should judge about that, the road ran pretty straight through.

Q Well, did you have a house to live in when you first came there?

A No, sir

Q What season of the year did you come to the Nation? A February.

Q When did you get a house? A Gota house the next fall; that is, a man built our house.

Q How old were you when you came here? A I was about 15.

Q Where did you remain during the months from February until you got your house built the following fall? A Right there at home.

Q Now you know this old man Nelson Murrell? A Yes, sir

Q And you have known him a long time? A Quite a while, I can't remember just what time.

Q A great many years? A I can't remember how long.

Q Been so long you can't remember when you first did know him?

A Been fifteen or twenty years.

Q Been longer than that, hasn't it? A I don't think it has.

Q How long has it been since you first came down here? A I came here in '68.

Q Well, How many years? A 33 years.

Q Well now about how long have you been knowing old man Nelson Murrell? A I should judge about fifteen or twenty years; when my mother died I left there, went to old Mrs. Connor's.

Q How many years was that after you came down to the Cherokee Nation, that you went to Connor's? A About '71.

Q About that? A Yes, sir.

Q You had been in that Cedar Creek country then only two or three years when you left there? A Yes, sir, that was all.

Q You were still a boy when you did leave? A Yes, sir.

Q Now you didn't go, while you were up there, to the mouth of Snow Creek, where it empties into the Verdigris? A No, sir.

Q You know how long Snow Creek is? A No, sir.

Q You know how far it is from the mouth of Snow Creek to the point where Snow Creek enters Kansas, or the Territory from Kansas? A No, I have no definite idea, about five or six miles though.

Q You don't know; you never were at up the Creek then from the mouth of the Creek up to the Kansas line? A Only right there along the road there I crossed Snow Creek.

Q Now where would you be going when you would cross it? A Well, up into Kansas.

Q To what point? A A place they called Clymore, on Pumpkin Creek, a trading point, or post.

Q Now what was the nearest town of any note to you in the Cherokee Nation, store or postoffice, or anything of that sort? A There was none.

Q How far did you live from the mouth of Cedar Creek? A About a

mile, not quite.
Q Then you were about a mile from the Verdigris? A Yes, sir.
Q And about a mile from the place where Cedar Creek enters the Verdigris? A West of where it enters the Verdigris, it makes a bend there.
Q When you had to go to Kansas, what direction did you travel?
A North.
Q In what direction did Snow Creek run? A Well I think it ran northeast, that is, it headed northeast and ran southwest I think.
Q Well, it was more or less of an east and west course, wasn't it now? A Yes, sir, southeast and northeast.
Q Well did you go anywhere else, have occasion during the time you lived there to go any other place except Clymore in Kansas?
A Well I went after that carpenter that built the house.
Q I mean outside of the carpenter and Clymore? A No, sir.
Q So when you went to Clymore you crossed Snow Creek? A Yes, sir.
Q Do you know how far you crossed it from the mouth? A I judge about a mile and a half, it is what they call now the Reed Crossing, Luman Reed Crossing.
Q Now do you know how far that is from the mouth of Snow Creek?
A I should judge about a mile and a half or two miles.
Q Or two, and might be farther? A Might be, I don't know where the mouth is, I never was at the mouth of Snow Creek.
Q Now then when you were traveling from where you lived to Clymore, you just simply came to Snow Creek and crossed and when you came back you would come to it again and cross it? A Yes, sir.
Q Now then you can't swear Nelson Murrell didn't live on Snow Creek at the time you crossed it? A I didn't see any houses.
Q You can't swear he didn't live there? A No, I can't.
Q You can't swear there wasn't a house there? A I don't think there was a house there.
Q Except at the place you crossed? A There wasn't any houses there.
Q How about a mile up the creek or a mile down the creek? A That I can't tell.
Q You don't know, do you? A No, I don't think there was any houses.
Q Don't think, I want to know what you know; can you state upon your oath that there wasn't a house a mile up the creek or a mile down the Creek? A No.

JOHN SECONDINE, being duly sworn by Commissioner Needles, testified as follows:
Mr. Davenport: What is your name? A John Secondine.
Q Where do you live? A Up at White Oak.
Q That your postoffice? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I believe I have lived here about 34 years; since '68.
Q What is your nationality, are you a Cherokee or Delaware? A I am a Delaware.
Q Did you come to the Cherokee Nation before or after the treaty was made with the Cherokee Nation and Delawares? A Well I came here a year before they moved down here.
Q Well, what year was that in? A When I first came here, that was in '67, in August.
Q Well, when you came to the Cherokee Nation in '67 in August, to what point did you come? A Well we came up there about Snow Creek.
Q Well, what part of Snow Creek? A I guess it must have been about three miles above the mouth of Snow Creek.
Q Who was living there at that time, if anyone? A Well I didn't see anybody living there at all.
Q How long did you stay there? A Well, we stayed there as much

as a week or ten days somewhere along there.
Q Was there any houses around there? A No, sir.
Q Well, were you up and down the Creek any, or did you just camp and stay in one place? A We, we looked all around the country there, we came down here to find locations to settle on, we went up and down the Creek, in fact we traveled all around the country there looking at the country.
Q Any houses at all that you found; if so, where were they and who was living in them? A No, sir, never saw any houses.
Q Were you down the Creek to where it empties into the Verdigris? A Yes, sir.
Q You went up the Creek above where you camped, did you not, towards the Kansas line? A Went up pretty near the head of the Creek, it is pretty much all prairie up there.
Q Do you know the applicant here, Nelson Murrell, that old gentleman (indicating applicant)? A I have seen him.
Q Was he living there on Snow Creek when you were down there in '67? A I didn't see him, I didn't see anybody, there was no settlement there.
Q You went up and down the Creek you say? A Yes, sir, there was no settlements there.
Mr. Smith; You live out here close to Vinita now? A Yes, sir, I live at White Oak.
Q About how long have you been living there? A I have been living there 16 years I believe.
Q You related in any way to Journeycake? A Yes,,sir.
Q What relation? A Second cousin I believe.
Q How far did you live, when the Delawares first came down in the Cherokee Nation, from Journeycake's? A I lived six miles above, north.
Q Six miles north of Journeycake's? A Yes, sir.
Q How far from the Kansas line? A That is about twenty miles, somewhere along there, I guess.
Q How far is it to the town they started up there in Kansas called Parkersburg? A Let's see, I guess it is close onto twenty or twenty-two miles I guess.
Q How far did you live from the Verdigris River? A Lived about three quarters of a mile.
Q What direction, west, or north? A East.
Q How far was that from the mouth of Snow Creek? A It must be about twenty miles.
Q Twenty miles from the mouth of Snow Creek? A Yes, sir.
Q Do you know a family in there by the name of Love? A Yes, sir.
Q Where did they live? A They lived up there below Gooseneck Bend, what they call now.
Q Up close to Verdigris River? A Well they were right there in the edge of the bottom, they lived right in the bottom when they first came down here.
Q How far from the Kansas line? A I guess it must be about ten or twelve miles.
Q How far from you? A Oh about 10 miles.
Q In what season of the year did you arrive in the Cherokee Nation? A Well I think the 9th day of February.
Q Who did you come with; that is, I ean your own immediate family, your father? A No, my mother.
Q Well, where did you live when you first came here; did you have a house? A No, sir, I didn't build any house that spring, after we got here we stopped over until grass came up in the spring of '68.
Q And then built a house? A No, I didn't build any house then, we moved over to Grand River that spring and made a crop over there.
Q How far from this place on Verdigris? A This was on Grand River. it is about forty miles.
Q Now if I understand you, you came on the Verdigris River about '67? A I want you to understand this; we didn't move down in '67,

I came down here to look at the country.
Q Then what did you do? A I went back to Kansas.
Q How long did you stay? A Well, we stayed a year.
Q It took you a year to look at the country? A No, we stayed about two months here.
Q When, in '67? A Yes, sir, two months on the Verdigris.
Q About twenty miles below the mouth of Snow Creek? A No, we stopped up there about ten days and
Snow Creek.
Q Well, when did you stop on Snow Creek? A In '67.
Q What time? A In August.
Q In August, '67? A Yes, sir, I don't remember the date, but it was in August.
Q Well, about what point on Snow Creek did you stop? A Well about three miles above the mouth of it.
Q And then you came on down about twenty miles below the mouth of Snow Creek on Verdigris? A Well, we camped on down, we would stop and camp a week or so and then move on down a Piece.
Q Then you was coming how long altogether, about two months? A Two months.
Q Then you went back to Kansas? A Yes, sir.
Q How long did you stay in Kansas? A We stayed till - I left there in February, about the first of February.
Q What year, '68? A '68.
Q Where did you go? A Came down here.
Q To Grand River? A No, sir, we came on down the same route we came when we came the first time.
Q How long did you stay in that part of the country where you first came to? A Well about two months.
Q About what time was it when you moved out of that neighborhood?
A It was about along in the first of April, somewhere along there.
Q Then did you move to Grand River? A Yes, sir.
Q That was 35 or 40 miles away? A Yes, sir.
Q Were you back in there at any time soon? A I came back again before Christmas.
Q Back in there again? A Yes, sir.
Q Where were you then? A I was over there about Goodys Bluff.
Q Up about Snow Creek? A No, below there.
Q Well, how far is it, do you know, from the mouth of Snow Creek to where Snow Creek enters the Territory, the Cherokee Nation? A Well I can't exactly tell, it is not very far.
Q Well not guessing at it, but stating it from your absolute knowledge, do you know? A How far from the Kansas line; well there used to be two miles, there was a two mile strip there a while back, and the last line they made was, I guess it must be about three miles I guess from the line.
Q You mean the mouth of Snow Creek? A Yes.
Q Then you camped right exactly on the Kansas line? A No, sir.
Q I thought you said you camped three miles from the mouth of Snow Creek? A Up Snow Creek.
Q Well there wasn't any more Snow Creek after it ran into the Verdigris, was there? A No, I guess not.
Q It has to be up Snow Creek if it was anywhere? A Yes.
Q Well you said you camped three miles from the mouth of Snow Creek?
A Yes.
Q Then you were right exactly on the Kansas line, weren't you? A No, I was right east; Snow Creek runs kinder east, kinder of a northeast.
Q Well, wasn't there anybody living on Snow Creek at all? A No, sir, I didn't see anybody to my knowledge, therewasn't anybody living there.
Q Well, there was a carpenter living there that built this fellow Love's house? A The DelWares never moved here till '68.
Q You said you were back there in '68; what I am asking you about,

you were back there in '68, were you on Snow Creek then? A I think I was there.

Q Wasn't anybody living there? A I didn't see any; I didn't stop then, only just I was on the road, I didn't stop to look around like I did the year before.

Q Well you don't know when this carpenter that this other witness got up there to build his house, bhilt his house up on Snow Creek, do you? A No, sir.

Q Can'e say that wasn't there in '68 though, can you? A No, sir, can't swear it wasn't there.

Q Can't swear it wasn't there in '67? A Well sir I don't believe it was there.

Q You don't believe it was, but you don't know? A Because I didn't see them, there was no settlement there.

Q All you know is you didn't see any houses there? A It would have to be a pretty small house if I didn't see it.

Q Well, they didn't build brown stone fronts, five story houses up there in that time? A No, sir, they built cabins.

Q What was it along Snow Creek, timber or prairie? A There is some timber there.

Q You could stick a little cabin around there most anywhere, couldn't you: well that is all you know about it, Mr. Secondine, that you didn't see a house there; you can't say that Nelson Murrell didn't have a house there and you can't say he wasn't living there when you first went there, positive, upon that date? A I didn't see anybody and didn't see any houses.

Q But you can't say he wasn't there? A No, I can't say he wasn't there, but I didn't see any houses, and didn't see anybody, no colored people

HENRY MELTON, being duly sworn by Commissioner Needles, testified as follows:

Mr Davenport: What is your name? A Henry Melton.

Q Where do you live? A I live up on Snow Creek.

Q How long have you lived up on Snow Creek? A Well I don't know now, I had a man to figure up how long I had been on Snow Creek, I have been on Snow Creek 27 years, the way he figured it.

Q Do you know the applicant here, Nelson Murrell? A Knowed him all the days of my life.

Q Was he living up there when you lived up there? A Yes, sir

Q Near what place, how far is he living from where Snow Creek empties into the Verdigris? A Go right straight through the flat, it is about two miles I think to the mouth of Snow Creek.

Q Where were you living when the war broke out? A Living on Bird Creek.

Q You know where Nelson was? A Yes, sir.

Q Was he there with you? A No, sir, he was down here to Park Hill.

Q Do you know of your own knowledge, or how do you know where he was when the war broke out? A Yes, sir, I know, because I used to go from Bird Creek down there.

Q How long before the breaking out of the war had you been down there? A I don't know, I can't tell.

Q Well, had it been a year or two years or six months; what do you think about it; I want to get the facts there, about how long it had been before the war came on? A I can't tell you.

Q You and Nels belonged to the same man, did you, before the war?

A My mistress' daughter married Uncle Nelse's young master, John Nave.

Q Who did Uncle Nelse belong to when he went by the name of Murrell? A George Murrell.

Q Is that the same George Murrell that lived in Virginia part of the time and here part of the time? A I guess that is the one;

I don't know it.

Q I will ask you if it is the same Murrell that lived near Park Hill at the spring, the big spring on the road there going out towards Wagoner from Park Hill? A Yes, sir.

Mr. Smith: I object to that, because it is leading.

Q Did you know Chlora? A Yes, sir.

Q Do you know whether or not she is the wife of Nelson Murrell now? A Yes, sir.

Q Who did she belong to? A Belonged to Lewis Melton, he raised both of us.

Q Where was Chlora when the war came on? A I don't know where she was.

Q Was she there at home? A No, sir, she wasn't here when the war broke out, she went off.

Q Well, did she just go off of her own accord, or do you know about that? A No, she run off.

Mr. Smith: This Chlora Murrell was owned by the same man that owned you, you say? A Yes, sir.

Q What was his name? A Lewis Melton.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q And he was living in the Cherokee Nation at the time the war commenced? A Yes, sir.

Q And Chlora Murrell had run away from him and you don't know where she was? A Don't know where she was.

Mr. Davenport: Do you know who she run off with? A Yes, sir, my woman will tell you that.

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Taking of testimony continued by Stenographer J. O. Rosson.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of November, 1901.

Commissioner.

October 19th, 1901.

Taking of testimony in matter of the enrollment of NELSON MURRELL, ET AL., C.T.-D.#648, continued. Former portion taken by Stenographer Bruce C. Jones.

APPEARANCES:
Mr. Smith, of Counsel for Applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

MINTIE MELTON, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:
MR. DAVENPORT: What is your name? A Mintie Melton.
Q Where do yo u live, Mrs. Melton? A On the Verdigris.
Q How long have you lived in the Cherokee Nation? A Here in the Nation all my life.
Q You know the applicant, Nelson Murell? A Yes, sir, I know him.
Q Do you know his wife? A Yes, sir.
Q How long have you known her? A I knowed her a little while, I knowed her in slave time, before the war,
Q Well, do you know where she was when the war broke out?
A No, sir, I don't.
Q Did she belong to the same parties that you belonged to?
A No, sir.
Q How far did she live from you before the war; you were slaves when you first knew her? A Yes, sir.
Q Was she a slave of the same parties you were? A No, sir.
Q How far did she live from you? A 12 miles I think.
Q Well, you say you don't know where she was when the war broke out? A No, sir.
Q Had she left that country or not? A I don't know where she went; I guess she went off I reckon, I don't know anythi ng about where she went.
Q What was your father's name? A His name was Robert Vann was his name.
Q Where washe when the war broke out, do you know? A No, sir, I don't.
Q Well, did you ever see him after the war broke out? A I seen him after he come back from Kansas.
Q About when did you see him? A When did I see him?
Q Yes? A I can't tell exactly when it was.
Q Well, have you seen Nelson's wife after you came back after the war? A This lady he has got now?
Q Yes. A No, sir, they li ved up here.
Q I mean since you have moved up in this country? A Yes, sir.
Q Is she the same woman you knew before the war? A Same woman.
Q And you say you didn't know where she was? A No, sir.
Q Was she with her owners that owned her when the war broke out? (No response.)
Q Was she at their home? A Well, I don't believe she was right at home.
Q Do you know where she was or what became of her? A I don't know there she was.
Q Do you know how she come here, what the circumstances of it was?
A I guess she went off.
Mr. Smith: I object to what she says.
Witness: She lives with Lewis Melton and I live on Caney.
Q Isn't it a fact that your father and she ran off and left this this country before the war broke out?
Mr. Smith: I object to the question, if the Court please, because it is leading, and the applicant says she does not know.
Com'r Needles: Let the objection be entered.
A She was at home and I was at home; I don't know where she went

to and I never visited there.
Q Wasn't it understood by you that she and your father ran off together before the war and left the country?
Mr. Smith: I object to that.
COM'R NEEDLES: You know whether your father and she went off together? A I guess so; they lived at Melton's and I lived at home.
MR. DAVENPORT: You don't know whether they were livi ng at Melton's when the war broke out or not, do you? A No, sir. When the war broke out it wasn't no time to know where anyone lives.
MR. SMITH: How far was it from where Lewis Melton lived to where you lived? A 12 miles.
Q You don't know what took place when the war broke out? A No,sirr
Q You don't know where she was when the war broke out? A No, si r.

HENRY MELTON, recalled, further testified:
MR. DAVENPORT: Henry, what was your wife's father's name, do you know? A Robert Vann.
Q Did he belong to the same men you did? A No, sir.
Q Did you ever know him before the war? A Yes, sir; he was living with Joe Vann.
Q Did Nelson Murrell's wife belong to the same party that you belonged to before the war? A Yes, sir.
Q Well, where was she when the war broke out? A I told you she was gone.
Q Do you know where Robert Vann was? A He must have been with that woman.
Q Was he there with Vann when the war broke out , or was he in the country? A He had a ranch and he went and stold Flory from my Masters.
Q Where did they go? A I don't know where they went.
MR. SMITH: How do you know he stold her? A Wasn't I there when he brought her there to where I was.
Q Did you see him? A Yes, sir, and talked with him.
Q Did you? A Yes, sir, and hoped him get offthat night.
Q What night? A The night he left, and then I met my old boss, Walk Vann himself, waiting for me to see if he could hear from that woman, and I told him that Louin took Flory to Joe Vann's and got Mr. Joe Vann to buy her.
Q Where did Joe Vann live? A On Grand river, in the Cherokee Nation.
Q And you think he had Flora over about Joe Vann's? A I don't know.
Q What did you say about Joe Vann? A I sai d I was there when he brought her there.
Q Didn't you say a while ago that that is where she was when t he war broke out? A No, sir.
Q Have you told now all you know about this case? A Yes, sir.
Q Have you left anything for your wife to say? A No, sir.
MR. DAVENPORT: Just told the facts? A Yes, sir.
MR. SMITH: This is the second time you have been on the stand isn't it? A Yes, sir.
Q Were you asked the question the first time you were on the stand who did Flora run off with; were you asked that question? A Yes, sir.
Q The first time you w ere on the stand? A Yes, sir.
Q Did you say "I don't know, my old woman can tell you?" A I said-
Q Did you say "I donlt know?" A No, sir.
Q You didn't say that at all? A No, sir.

PHILLIP R. CAESAR, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:
MR. DAVENPORT: What is your name? A Phillip R. Caesar.

Q Where do you live, Mr. Caesar? A Muskogee.
Q Where were you at the close of the war? A At the close of the war I was in the war, in the army.
Q Where were you mustered out? A I was mustered out at Fort Leavenworth.
Q Well, after you were mustered out where did you go? A After I was mustered out I came to the Territory.
Q What part of the Territory did you come first? A First I came to Cherokee Nation.
Q Near what point? A Here on the Verdigris somewheres about the Verdigris, little creek called Snow creek.
Q How long did you stay in that vicinity there? A I stayed there only one season, one year.
Q That year did you come to the vicinity of Snow creek, Mr. Ceaser?
A It was '67, Spring of '67 that I came.
Q Well be it when it may when you came there, who were living on Snow creek? A Wasn't anybody.
Q Was there any improvements made by anyone around there?
A No, sir, only improvements I knowed of there at the time and they were little, and then I--not an improvement, but just fencing and put in a little crop of corn the year I came there.
Q How far was the improvements that you made from where Snow creek empties i nto the Verdigris? A Well, now, I couldn't tell you; it was a very short distance; we stayed right in a flat near the mouth of Snow creek and Verdigris.
Q Short distance away? A Yes, sir.
Q Are you acquaintedwith the applicant here, Nelson Murell, the gentleman who sits there, the old gentleman on the front seat?
A No, sir, I am not personally acquainted with him.
Q You are a citizen of the Creek Nation aren't you? A Yes, sir.
Q Well, during the time you lived there did anyone come in there and settle on the creek, or near there; do you remember the names of anybody? A I don't remember the names of anybody. Before I left there they was a family started an improvement up the Snow creek above I and also one up the Verdigriss; up the Snow creek from the mouth and up the Verdigris vrom the mouth of Snow Creek.
Q That was before you left there? A Yes, sir.
Q Was there any Indians in that part of the country before you left?
A Yes, sir.
Q Do you remember any of their names? A Oh, yes, I remember there was an Indian there that I did some work for, man by the name of Love.
Q You did some work for him before you left there? A Yes, sir.
Q Do you remember his first name? A The young man employed me at the time there was Simon, and Sam.
Q Where did they live with reference to where you settled, or had they built their improvements at that time? A They had started their improvements, they was down across the Snow creek from where I was.
Q Were you on the north side, what I would call the north si de of Snow creek, or south side; I mean by that, were you in between the river and Snow creek? A Between the river and Snow creek.
MR. SMITH: How far were you away, Caesar, from the mouth of Snow creek? A In about, I could not tell, it was a short distance it was just a flat.
Q Mile or ten miles? A About somewheres, a mile, might be a mile or mile and a half.
Q From the mouth of Snow creek? A Yes, sir.
Q How far was that from the mouth of Cedar creek? A I don't know a creek by that name .
Q How far was that from the line of Kansas? A The exact distance I could not tell; it was not very far.

Q About how many milds, as near as you can come at it? A Well, if I would have to say according to my judgment, because at the time I never paid any attention whether it was half or 25 miles, but living there, to Chetopa it might have been four or five miles, that I would say that then it would be just according to my judgment.
Q Well, when you left there did you leave for Chetopa? A When I left there?
Q Yes? A Yes, when I left that section of country I went to Snow creek, when I left Snow creek I went to this man Love, and from Love's I went to Chetopa.
Q How far did you live from Snow creek? A I raisedone little crop on Snow creek.
Q When did you get there? A Along in the spring, about February or March.
Q Did you have a family? A No, sir.
Q Where did you live? A I lived right in a house with a man by the name of Steve Little.
Q Lived in Little's house? A Yes, sir.
Q About a mile or mile and a half from Snow creek? A Yes, sir.
Q Did you live right on the bank of Snow creek? A No, sir.
Q How far did you live? A Somewheres about a mile from the river.
Q Well, I know from Verdigris, how far from Snow creek? A About the same distance.
Q Now, how long is Snow creek? A I don't know.
Q How far is it from where you lived down there on Snow creek to the Kansas line, or where Snow creek enters the State of Kansas?
A I don't know.
Q Did you ever go up the creek? A I sometimes went up it, but I can't tell.
Q You have been in the State of Kansas? A I have been, but I can't tell how long the creek is.
Q Soyou don't know then anything about how far it was from where you lived to the place where Snow creek enters Kansas? A No, sir; I could not tell you.
Q Well, as a matter of fact you don't know anything about it then; you didn't see anybody living there except those you have mentioned?
A No, sir.
Q Timber along there wasn't it? A Yes, sir, timber on up and down the creek.
Q You don't pretend to swear that man Nelson Murrell wasn't living there? A No, sir; I said I didn't know that he was living there as Nelson; but there was just before I left there there was a family right in the mouth of Snow Creek where I lived; there was a family started a settlement up Snow Creek from the mouth and also a family started an improvement up the Verdigris from where we lived.
Q You don't know how long those families had been there in that part of cou ntry? A No, sir.
Q Where they came from? A No, sir.
Q Don't know anything about it? A No, sir.
Q How long were you in the army? A In the army about two years and two months.
Q Where did you join? A I joined about the 9th of August.
Q What year? A '63.
Q And how long were you in the army you say? A I was in the army two years and two months somewheres about that.
Q What time did that let you out? A I got out in September, well, in about, I was dischargedin September, '65.
Q Where were you when you were discharged? A Fort Leavenworth.
Q How long did you stay in Fort Leavenworth? A I stayed in Fort Leavenworth until the spring of '67.
Q Well, how many years? A Well, from '65 until '67.
Q And then where did you go? A To the Cherokee Nation and from Cherokee Nation to the Creek Nation.

Q How long before you got into the Creek Nation? A I could not tell just how long, just back anf forth, I was alone, single and I went to and fro from ~~th~~ one country to the other.
Q When did you first go to the Creek Nation after the war? A I went to the Creek Nation the first year I came and left from the Creek Nation, then back to the Cherokee Nation at the settlement called the Big creek settlement.
Q Don't you know when it wasyou first went to the Creek Nation?
A No, sir.
Q How did you get to be a citizen of the Creek Nation? A By Act, passage of Council acknowledging my arrival.
Q When? A I was in the Creek Nation in the limit, the 12 months.
Q Twelve months from when? A From April the 13th or 16th I suppose.
Q April 16th, what year? A From the passage of the treaty.
Q When was that? A '67, April, '67.
Q When you worked for Love where did he live? A Cherokee Nation.
Q Have a house to live in? A Oh, yes, he had a little, just little place started and I worked for him.
Q Just started; well, was it a house or not? A House I suppose.
Q Don't you know, don't you know a house when you see it?
A Yes, sir.
Q Was it a house or not? A Yes, sir.
Q Now, what year was that? A That was the year of '68, it seems to me it was the year after I left Snow Creek.
Q How early in '68 and how late? A Now, the days of the year and so on, I could not tell; it was about hay making time.
Q Do you know who built his house? A No, sir the house was there when I went there.
Q Do you know anything about a carpenter before that time that lived up on Snow creek and built Love's house?
A I don't know.
Q Wasn't any living up there? A I don't know.
Q You didn't see him? A I didn't see any, I wasn't acquainted with the people.
Q People lived around there that you didn't know anything about?
A I don't know; it might have been these people I am talking about.

Com'r Needles: This testimony will be made part of the record in the case at bar, and it will also be made part of the record in Cherokee Freedmen doubtful cases #550, #552, #758, #923, #788 and #994.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notesthereof.

J O Rosson

Subscribed and sworn to before me this October 25th, 1901.

Commissioner.

File with C. F. D-552.

C. F. D. 548.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 15, 1908.

In the matter of the application of Nelson Murrell et al. for enrollment as Cherokee Freedmen.

APPEARANCES:
Applicants represented by Mellette & Smith, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

W. H. NICKEMS, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A W. H. Nickems.
Q What is your age, Mr. Nickems? A 64.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Yes, sir.
Q Where were you living when the war closed? A When it closed?
Q Yes, sir, say in '65? A I lived five miles west of Scott.
Q You mean Fort Scott? A Yes, sir, Fort Scott, in Bourbon County.
Q Were you married then? A Yes, sir.
Q Living on a farm? A Yes, sir.
Q Did you know a colored man by the name of Nelson Murrell? A Yes, sir.
Q When did you learn to know him? A It was about the latter part, I don't know just exactly what month it was, of '65.
Q Was he living in the country or in town? A He was living in the country.
Q On whose place, do you remember? A On Isaac Allen's place.
Q How far did you live from him? A Oh, hardly half a mile, I would say half a mile.
Q Did you know Joe Ross? A Yes, sir.
Q Where did he live? A Why it was said that he lived with his father-in-law, I believe they called him.
MR. SMITH: I object to anything that was said unless you know Nelson was his father-in-law.
MR. HASTINGS: Well, you knew him anyway? A I knew him.
MR. SMITH: The counsel for the applicant objects as to the witness's statement as to where Joe Ross lived because he does not state from his own personal knowledge.
MR. HASTINGS: You do state of your own personal knowledge that you knew him? A I knew him.
Q And he lived around there somewhere? A He lived, he stopped---
MR. SMITH: I object to that because it is a leading question.
WITNESS: He stopped there where his father-in-law lived.
MR. HASTINGS: How long did you continue to know Nelson Murrell, how long did he live on that place, Allen place? A I think he moved in '68, about the first of the year, it might have been that it was a little later or a little earlier.
Q First of what time? A '66.
Q Of '66? A It might have been that it was just the latter part of '65 that he moved; I knew that he lived there right on the same place till he moved.
Q And where did he move to? A He moved about four miles and a half west of me on a farm that was known by John Todd's farm.
Q Did you live between him and town at that time after he had moved?
A Yes, sir.
Q Did you ever have occasion to see him after that time? A Yes, sir, I saw Nelson after that.

Q Well, for how long did you continue to see him? A It was in '67 sometime; I don't recollect just what time it was. I see him often passing backwards and forwards; he lived west of where I lived and the road that they travelled from Marmaton to Scott, Fort Scott why passed right by my place, part of the time passed right in front of my house, and part of the time there was another road just west of my house a half a mile. I see him passing backwards and forwards.
Q Did you ever see Joe Ross after he moved away from the Allen farm? A Yes, sir.
Q Well, how long did you continue to see him up there? A I think it was in '67 the last that I ever recollect seeing of him; I might have seen him later than that.
Q You might have seen Nelson Murrell later than that? A Why I might have
Q That is as late as you remember? A Yes, sir.
Q Do you know what finally became of Murrell, where he went to from that country when he left? A No, sir.
Q Do you know where he claimed he was from? A He claimed he was from the Nation.
Q How far was that from the Cherokee Nation? A Which?
Q Marmaton up there? A Marmaton, I don't know what the distance is from here to Marmaton.
Q Well, up from the line at Chetopa, Kansas? A I don't know just how far it is.
Q Well, it isn't the same tier of counties, don't border on the Nation line does it? A No, sir.
MR. SMITH: I understand that you are not certain about the time that you last saw Nelson Murrell, the man that you talk about, in Kansas; you couldn't tell us the date that he left? A No, sir, I saw him in '67.
Q Do you know Joe Ross? A I saw him in '67.
Q Which was the older of the two men? A Nelson.
Q Was Nelson a married man or a single man, Nelson? A Married man
Q Was he, to your understanding.
Q Well did you know his wife? A No, sir.
Q Don't know what her name was? A Do not.
Q Where have you been living how ever since that time? Ever since the war closed? A Living on a farm that I bought in '65, five miles west of Fort Scott, and still remain there.
Q Were there a good many or just a few colored people in that country at the time the war closed? A Yes, sir, quite a good many.
Q Do you remember when all of them left or when each one left? A I don't remember just when they left there, there is quite a good many of them that I know.
Q Well, you don't know if it's true that you saw Nelson Murrell in '67 you don't know where he was all of the time during '65 and '66 do you? A Well, I think I do.
Q Well, do you know it? A In '65 he lived on the Allen place in a half a mile of me, and I don't know but he remained there up to '66; I rather think he did.
Q He may have left there sometime during the year of '65? A Yes, sir, he might have done, but I think it was the latter part of '65 or perhaps it was the first of '66.
Q Well, all you can testify to is that you saw him there in Kansas as late as '65, you don't know where he was before that all of the time? A No, I don't know where he was, but I knew where he lived or where they said he lived, I don't know just where he was.
Q You don't know where he lived except from what was said? A Oh yes, sir, I knew where he lived, he lived on the John Todd farm, and he lived on the Allen farm that I knew of from '65 to '67.
Q He always on the John Todd farm when he lived there? A Yes, sir.

Q Well, did you see his house? A Yes, sir.
Q See him? A I seed his house.
Q [illegible] enough on the John Todd farm? A I see the house on [illegible] farm, and my understanding was that Nelson lived [illegible]
Q [illegible] your understanding; you didn't know it personally?
A Oh I seed them about the place, I knew them well enough when I was [illegible] there, I knew them when I seen them.
Q [illegible] you knew them, but did you see them when you was passing there? A Yes, sir.
Q [illegible] I see Nelson there.
Q [illegible] have seen the family.
Q [illegible] know his wife? A No, sir.
Q Well you didn't know whether you saw her or not? A No, I don't know [illegible] saw her or not.
Q Well all you really know as to the John Todd place is what people said about where he lived? A Why he certainly lived there.
Q Well, do you know it of your own personal knowledge? A No, sir, I wasn't in his house, no, sir.
Q What is your occupation? A Farmer.
Q Live in Kansas? A Yes, sir,
Q Lived there ever since the war closed? A Yes, sir.
Q Well, now, how is it that you could remember that long about the movements of these colored people? A They was part of the people that worked for me.
Q Well, did Nelson work for you? A No, sir.
Q Well, then the fact that the other colored people worked for you wouldn't have anything to do with your remembering Nelson? A I was [illegible] his yard the road passed almost right through Nelson's [illegible] passed right to his house when he lived on the [illegible]
Q [illegible] had it been since Nelson Murrell [illegible] until you were called upon to remember it, [illegible] had he been gone when you were [illegible] long had he been gone? A Why I [illegible] just what I knew about the folks. [illegible] one way or the other about the time he [illegible] was there? A Why I knew what time, or [illegible] him, I don't pretend to say that he left [illegible] time I do say that I saw him was in [illegible]
Q [illegible] years elapsed before you had a conversation with [illegible] the time he left? A I couldn't tell you just [illegible] many
Q [illegible] twenty or thirty-five? A Oh twenty-eight or thirty [illegible] some place along there.
Q [illegible] then if it was twenty-eight or thirty years, with whom did you have the first conversation about that date? A I don't [illegible] as I recollect who [illegible] told, we might have talked about these folks because there were parties of these folks that worked for me.
Q Well there was Nelson you wasn't talking about him, he didn't work for you did he? A No sir.
Q When did you first talk with about Nelson Murrell twenty-eight or thirty years afterwards? A The first talk I had was last fall I believe in regard to Nelson.
Q [illegible] did you have that talk with? A Well, with, I can't recall the man's name, but he is an officer of Scott.
Q Fort Scott Kansas? A Yes, sir.
Q Well, you didn't remember then just when Nelson had left there did you? [illegible] knew that he left there in '67.
Q What means did you have to refresh your recollection, if any, as to the time when he had gone? A I see the man in '65, and I saw him in '67, my recollection is good enough to know when I saw

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a man at that time why I don't forget it.
Q You didn't have any business transaction with him at all, did you, with Nelson Murrell? A No.
Q Now about thirty years afterwards you just remember, dry so, whether he had left there in '65 or '67? A I recollect that is the last that I saw him, I don't know when he left there, but the last time that I saw this man was in '67 and I saw him in '68.
Q You had nothing to fix that on your memory just except your memory? A I was very well acquainted with Joe Ross, and he kept me posted on his father-in-law.
Q Now, tell me how Ro kept you posted about Nelson Murrell? A Ro worked for me some, swapped horses with him at one time.
Q Joe Ross? A Yes, sir, Joe Ross.
Q Is that all--is that the only time you ever swapped horses with him? A Oh no, no.
Q You said you ever swap horses with? A I don't know, I used to trade horses considerable.
Q Can't tell all the people you traded with? A Could tell part of them.
Q Can you tell me anybody else you traded horses with in '67 and '68? A Oh, traded a good many times, you recollect about '65 it was trading part of this country.
Q Well, I don't recollect much about it. Nothing at all to fix that particular time on your memory with regard to Murrell further than you have stated here in your testimony? (No response)
Q Is there anything now to fix the time when you last saw Murrell further than what you have stated in the testimony which you have given? A I don't know of anything anything more than just what I have given.
Q Do you remember when the Commission sat at Vinita, Indian Territory, here in the Cherokee Nation, taking testimony in these cases? A I do not.
Q Were you last October? A Where was I? I was at home, sir.
Q Don't the time that they were talking to you about this? A I don't recollect.
Q Don't you know whether it was earlier or later? A I think it was in the fall.
Q Don't know whether it was earlier or later than October? A I don't recollect.

JASPER FORTNEY, being first duly sworn, testified as fol-

Q Jasper, what is your name? A Jasper Fortney.
Q What age, Mr. Fortney? A I am nearly 65, 64 past.
Q Where do you reside in Kansas? A Yes, sir, Fort Scott,

Q Your postoffice? A Yes, sir.
Q You live right in town? A Yes, sir.
Q I ask you to tell the Commission when you came to Kansas, and where you located there? A We landed in Bourbon County, Kansas, on the day of April, 1868.
Q How far from Fort Scott? A Eight miles.
Q What direction? A West.
Q How far was that from either the town or the river at Marmaton? A Two miles from the Bend out there, one mile from the river; the Bend is a northwest direction there.
Q Do you know a man by the name of Todd? A John Todd, yes, sir.
Q Did he own a farm out there? A Yes, sir, several of them.
Q Do you know a colored man by the name of Nelson Murrell? A

Q How long did you learn to know him? A The year of 1868.
Q When you landed there? A Oh I should say, speaking at random, probably.
Q Where did he? A He lived a quarter of a mile west from where I

moved to.
Q On whose farm? A On John Todd's farm.
Q Do you know Joe Ross? A Yes, sir.
Q Where did he live? A He lived in the same house with Nelson Merrell.
Q How long did you continue to know Nelson after you located there? A Until the fall of the year '69.
Q Fall of the year '69? A I think that is the time, sir, that is the best of my remembrance.
Q Make a crop there on Todd's place? A Yes, sir.
Q Both years of '68 and '9? A I think so.
Q Did you know his wife? A Yes, sir.
Q Do you remember her name? A Merrell's wife?
Q Yes, sir. A Eliza or Liza we always called her, Aunt Liza.
Q Did you know Joe Ross's wife? A Yes, sir.
Q What was her name? A Sarah.
Q They lived there together? A Lived in the same house.
Q Do you know what became of Murrell, this Nelson Murrell that you speak of? A He left there to come to the Nation, this country was then known with us as the Nation, down to the Nation.
Q Well, did you ever hear of him being down here afterwards? A I have heard of him; I never saw him. Moved onto the Verdigris River in south, nearly south, of Coffeyville.
MR. SMITH: I object to that because it does not appear that the witness is testifying from his own personal knowledge.
MR. HASTINGS: You only heard of that? A Only heard about it.
Q Through whom did you hear it? A Through my brother.
Q Did your brother know him up there? A Yes, sir.
MR. SMITH: I move to strike that out, being hearsay.
MR. HASTINGS: It is a circumstance by identification.
Q He lived in about a quarter of a mile did you say of you? A Yes, sir.
Q Were you married at the time you moved there? A Yes, sir.
Q To your present wife? A Yes, sir.
Q She is here with you? A Yes, sir.
Q Did Murrell or his wife either work for you some? A Yes, sir, occasionally helped us a little. Merrell would help on our farm and help when we needed help and his wife helped our women with the housework.
Q Where did you come from to Kansas? A West Virginia.
Q And you weren't in Kansas then prior to April, 1862? A No, sir.
Q And you got acquainted with Nelson Murrell after that time? A Yes, sir.
Q What is your occupation, Mr. Worthey? A By profession I am a civil engineer, not doing much of anything now.
Q Little past that age? A I am not able to.
MR. SMITH: Well, this man Murrell that you speak of, you don't know where he was of course in '65? A No, sir.
Q Nor '66? A No, sir.
Q You don't know when he made the first trip that he made to the Cherokee Nation? A No, sir.
Q Well, at the time you knew him did you know where his family lived, have you ever been to the house? A Oh many a time.
Q Didn't own any farm there did he? A No, sir.
Q Well, what kind of work was he doing? A Farm work.
Q What kind of work did he do for you? A Helped us with the farm work, making fence, helped to thresh, and so on.
Q What kind of employment did you give him, by the day, week, month or year? A By the day usually.
Q By the day? A Yes, sir, I think so. Because he worked no considerable length of time at any one time continuous service.
Q Well, what kind of work did his wife do for your family? A Worked by the day, [illegible], sir.

Q Washed, did she, or cooked, or what? A Did washing and helping clean house and so on, women's work.
Q By the day? A By the day, I think so, sir, the women usually employed their help and did the paying also; but she, like her husband, worked no considerable time continuously for us.
Q What was her name you say? A Eliza, sir, we called her Aunt Liza in speaking to her.
Q How old was she at that time? A How old was she?
Q About, yes, sir; was she a young woman, or middle-aged or old?
A Middle-aged I would say, 40 or 45 years old.
Q Well, then, all you know about it is that after you went to Kansas you saw this man in Kansas, and that he worked for you, and his wife came some for you by the day? A Yes, sir, and that they were there continuously for nearly two years, residing there.
Q Well, how far did they live from you? A About a quarter of a mile.
Q During two years? A We come there on the 6th day of April, 1863, and they were there I think late in the fall of '65.
Q At the same place? A At the same place in the same house, sir. Ross, Merrell, and their families all residing in the same house.
Q On whose farm? A John Todd's.
Q Well, what were you doing at that time? A I was farming.
Q How long did you continue to farm? A After that?
Q Well, just from the time you went there? A Well, most of the time for fifteen years; no, I will correct that, 12 years.
Q For the first two or three years after you went there were you farming continuously? A Continuously, yes, sir.
Q On what farm? A On the farm belonging to my father and brother, adjoining the one on which Merrell and Ross lived.
Q Was Merrell there all of the time during that time? A He resided there all the while, sir, he might have been away temporarily, I can't say.
Q Do you know whether he was away at all or not? A No, sir, I don't remember after that.
Q Do you say he resided there all of the time? A His family lived there, this was his home.
Q And this woman whom you called Aunt Liza was there that time and resided there? Is that correct? A Oh, he had his own home, and his farm tools there, and stock, he had some little stock, cows, I think, and horses, they was there.
Q Was he an old man or a young man? A I would think he was near 50 years old.
Q Then at that time, 45 to 50, somewhere along there.
Q Have you ever seen him since he left there? A No, sir.
Q You don't know whether it was the same man who applies in this case or not? A Nothing only the name, sir, that is all.
Q Always go by the name, the man you knew, by the name of Nelson Murrell? A As far as I knew he did, yes, sir.
Q You never knew him by any other name? A No, sir.
Q So far as you know you don't know where he went to when he left there of your own personal knowledge? A Only what he told me.
Q What who told you? A Nelson Murrell.
Q I thought your brother- A You asked me if I had seen him, I said I haven't since that time, and I don't know where he resides further than what my brother said. But I did know where he said he was going.
Q Who did he say it to? A Said it to me.
Q When? A Just before he came down into the Territory.
Q Well, who came with him if any one? A Joe Ross, his son-in-law, and family.
Q What about the woman Aunt Liza, did she come? A Yes, sir.
Q When was that did you say that was? A Fall of '69 I think, sir.
Q [illegible] A Late in the fall of '69 that they came down

to this country or to the Territory, I won't say this country.
Q Well, what makes you so positive that it was that long after you first came to the country that they left? A Because, sir, Nelson Merrell had grown a crop, grown on John Todd's farm, in '68, and my brother and I helped to harvest it and helped to thresh it, and so on.
Q [illegible] A My brother cut the harvest for him; I helped in the field as a harvest hand.
Q When did you first think about the time he had left afterwards, how many years had it been? A I don't know that, sir, I don't know when I first thought about it.
Q Well, you have had some conversation about it since I suppose? A Not until--nothing more than my family and I might speak of Aunt Liza or Uncle Nelson, or hear indirectly something from them or something of them, why it might come up, I don't know that there was anything else to bring it up specially.
Q Well, with whom did you first talk as to the date, when did you first get to talking about the date when he had left there with anyone for the purpose of fixing the time in your mind? A I don't know when I first did, sir, may have spoke of it many times in the last thirty years.
Q Well, do you remember when the Commission was enrolling freedmen down here in the Cherokee Nation in about '96, Kern and Clifton Commission? A Oh, I may have read of it or heard of it.
Q Were you a witness then at that time? A No, sir.
Q Well, now when you first were asked about what you knew about Nelson Murrell how long had it been since he left there, how many years had elapsed, that's what I want to know, you see what I am asking you? A I was interrogated within the last four or five or six days, I will say a week; a geneleman came to see me to know if I knew anything of Merrell, and if I knew when he left, if I knew who his wife was, if I knew Joseph Ross, and if I knew his wife. These questions have been asked me, yes, sir; and I answered affirmatively.
Q [illegible] was the inquiry with regard to Merrell, as you state, or Murrell, you said Merrell as I understood you? A Well, sir, [illegible]
Q How would you spell it? A I don't know, sir. I don't know that I ever spelled it or was asked to.
Q Well, would you say that it was Murrell or Merrell? A Well, after studying it over I would say if I was going to spell it that it was [illegible]
Q [illegible] when you said Merrell? A Well, it was probably a mere [illegible] pronunciation, yes, sir, you and I might pronounce it differently.
Q Well, if it was spelled M-u-r-r-e-l-l you wouldn't call it Merrell, would you? A It might be thus pronounced.
Q [illegible] could you get Merrell out of M-u-r-r-e-l-l? (No response)
Q Well, now, it had been when you were interrogated, as you speak of, something more than thirty years, hadn't it? A '69 and 30 would be '99; yes, sir, thirty years, over thirty years since he left there.
Q Did you have anything by which to refresh your recollection in books or papers? A No, sir.
Q Well, now could you remember exactly the year that you and your brother had harvested a particular crop for thirty years back without anything whatever to assist you in arriving at that date? A Well, sir, I can answer that by saying that if I never did a job for a man except one time, and that was in the year that he left the country when that work was done, that I could arrive at a definite time.
Q Well, did you ever do any other work for any other one man who left the country at any particular time? A I don't remember.
Q [illegible] may now were you able to arrive at this particular

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[illegible] years after it happened? A Simply by my own remem-
[illegible] that is all.
Q [illegible] your remembrance? A Yes, sir, I have nothing by which to
[illegible] my memory or anything of that kind.
Q You don't think you could be mistaken about it? A No, sir, I
think not.
Q [illegible] that? A I think not.
Q [illegible] are you sure? A I am as sure of that as I could be of
anything [illegible] transpiring that long since, that's my remembrance.
Q [illegible] best of your recollection at this time? A Yes, sir.
Q [illegible] say as positively that that was true as you could
[illegible] something that happened yesterday or last year, could you?
A [illegible] nearly in this case; I don't think that there is
[illegible] initiates my remembrance at all of the time of his
[illegible] and the time we went there.
Q How many colored people do you suppose left that country since
you [illegible] there? A I don't know.
Q [illegible] A I suppose there have been a good many that
have [illegible] by death and otherwise.
Q [illegible] you give the dates when they left, all of them? A I didn't
have any business with them, therefore I wasn't intimately
acquainted [illegible] very intimately acquainted with them, I have known
them.
Q [illegible] couldn't tell about the time when the majority of them
left [illegible] A No, sir.
Q What time in the year did you arrive there yourself? A 6th day
of April, 1868.
Q Who did you bring with you? A Brought my family, and my father
and his family.
Q [illegible] and your own family and your father and his family?
A [illegible]
Q [illegible] away from that immediate country afterwards? A No,
[illegible] in that county ever since.
Q [illegible] do any civil engineering after you went there?
A [illegible] several times in my time; worked for this railway,
[illegible] railway, we called it the Memphis, the Frisco it
[illegible] Pacific Railway Company.
Q [illegible] long after you went to that county? A I
[illegible] in 1889, and was the county engineer
[illegible] county engineer for four years more, did the
[illegible]
Q [illegible] time had you done anything except farm work?
A [illegible] civil engineering prior to that time.
Q [illegible] have there together? A Yes, sir.
Q [illegible] A Well, I knew when they did start, but
[illegible] wagons start when he left the house or not I can't
[illegible] they were getting ready to start and that they did
[illegible]
Q [illegible] take with them? A Took their families with them.
Q [illegible] A What little stock they had I think.
Q [illegible] much did that consist of? A I can't answer you now,
[illegible] as to that.
Q [illegible] be much of a job for them to move did it? A
[illegible] had two wagons I think.
Q [illegible] families? A Had two families.
Q [illegible] one wagon to move what one family had? A Yes, sir, I
guess that's about the amount of transportation they had.

[illegible] being first duly sworn, testified as fol-
lows:

Q [illegible] What is your name? A Vashey Fortney.

Q [illegible] your age, Mrs. Fortney? A 62.
Q [illegible] Fortney, who just left the stand, your husband? A Yes, sir.
Q [illegible] home is Fort Scott, Kansas? A Yes, sir.
Q [illegible] town? A Yes, sir.
Q [illegible] born? A West Virginia.
Q [illegible] in West Virginia during the late Civil War?
A [illegible]
Q [illegible] married before or after the war? A Married just before the [illegible] out.
Q [illegible] come to the state of Kansas? A The spring of '68.
Q [illegible] come with you? A Yes, sir.
Q [illegible] you first locate? A Near Marmaton.
Q [illegible] the country? A Yes, sir.
Q [illegible] farm? A Yes, sir.
Q Did you ever know a colored man there by the name of Nelson Murrell? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q Did you know a colored man by the name of Joe Ross? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q About how far did they live from you after you located there?
A Well, I would say about a quarter of a mile just guessing at it.
Q How long after you came there did you become acquainted with them, learn to know them? A Well, almost immediately, because they were our nearest neighbors, and they worked for us.
Q Were they living there when you moved there? A Yes, sir.
Q How long did they continue to live there? A Well, the year of '68, and I think the fall probably of '69, at least I won't go any further than that, I am quite positive that they were there until the fall of the next year.
[illegible] A Yes, sir.
Q [illegible] this same place where you found them? A Yes, sir.
[illegible] were on an adjoining place a quarter of a mile [illegible] sir.
[illegible] in the country was it? A Yes, sir.
[illegible] they went when they left there or where they [illegible] Well, I know what they said, they said [illegible] Nation, and further than that——
[illegible] object to that, I want to know who said that.
[illegible] Well any of Murrell's folks? A Well, yes, sir, they [illegible] it, and of course we were anxious to know about them [illegible]
[illegible] they was making the preparations for their removal [illegible] sir.
[illegible] SMITH: Well, I object to that because the statement of no one who is not a party to this action can be taken.
[illegible] HASTINGS: These are the same parties.
[illegible] SMITH: Well, I don't think so. Counsel objects to the statement made by any other person except the party to this suit.
MR. HASTINGS: (To witness) They said they were coming to the Nation? A Yes, sir.
MR. SMITH: That question is objected to.
MR. HASTINGS: You never saw them after that time? A No, sir.
Q [illegible] the women folks work for you? A Yes, sir.
Q Did you know Murrell's wife's name at that time? A Yes, sir, Sarah [illegible] think was what they called her.
Q Did you know Joe Ross's wife's name? A That was Sarah, yes, sir.
Q [illegible] did you know Nelson's wife's name? A Yes, sir, that was Eliza [illegible] we called her.
Q [illegible] know whether Mrs. Murrell was any relation to Joe's wife or [illegible] sir, I don't know.
Q [illegible] what the relationship was? A No, sir.

Q Did you see them frequently? A Yes, sir.
Q Could you see their house from yours? A Yes, sir.
Q Plain sight? A Yes, sir.
Q Across the field was it? A Well, we would have said down the road.
Q You came to Kansas from West Virginia in the spring of '68? A Yes, sir.

MR. SMITH: Well, how long now after Nelson Murrell had left Kansas before any discussion of the time when he left came up how long? A I heard nothing at all about it until recently.
Q Well, about how recently? A Well, I don't think it's been more than a week or two weeks.
Q Well, when at that time did you have any recollection as to the time he had left there or did you have to look it up or talk with your husband or someone else about it? A No one at all. What I know, of course I am just telling you what I know.
Q Well, what I am talking about now after this time had elapsed, after that many years had gone by, did you remember it or did you have any way by which to refresh your recollection? A Remember it, sir, quite well, just as I am telling it.
Q That was about how long; something over thirty years after they had gone away, wasn't it? A Thirty years.
Q Something over that I say? A Well, now, we had been here, let me see, we come here the spring of '68, April, '68, and this is 1902, let's see how long.
Q Well, now, during all that time did you keep it in your mind that they left here in a certain year during a certain year; what I want to know is why and how that was fixed upon your mind, that particular date when they left? A Well, I was just thinking about how long we had lived there, how long they had worked for us, and I am not positive as to the second year, sir, at all; but I think the fall. I can just remember of seeing the covered wagons just as well when they were all getting ready, and I knew it was rather cold weather, I think it was very late in the fall when they moved away; I don't know just exactly, I am not positive as to the time they left just exactly.
Q Well, are you positive as to the year? A Yes, sir, I am positive as to that.
Q What time in the year did you get there? A The 6th day of this present month, April.
Q You never have seen that man Murrell since that time? A No, sir.
Q Nor heard? A No, sir.
Q You don't know whether they are the same persons who are applying at this time for admission or not? A I don't know, did you say?
A I don't know; well I presume so.
Q I know; but what do you know about it; I don't want to know what you presume, but what you know? A Well, yes, sir, I would say they were the same parties.

MR. HASTINGS: Comes now the representative of the Cherokee Nation and moves that this testimony be filed with and made a part of the record in the following cases, for the reason that these parties claim to have returned to the Cherokee Nation after the war along with and at the same time that Nelson Murrell came, as follows: Joe Ross, F. D-542; Jacob Ross, F. D-539; Esau Fox, F. D-508; and Steve Mooney, F. D-519; together with the cases in which the testimony of these last forementioned cases is thrown, which are as follows: D-550, D-552, D-758, D-423, D-473, D-475, D-544, D-549, D-551, D-799, D-541, D-540, D-543, D-545, D-538, D-647, D-637, and D-621, in addition to the case at bar.

MR. SMITH: The counsel for the applicants objects to this testimony being made a part of the record in any case except in those cases in which the cases have already been connected, because

the statements of the witnesses examined in this particular case today as to the time when Nelson Murrell left Kansas as they claim would not affect the cases of other persons because this record does not show that Nelson Murrell made only one trip to the Cherokee Nation; and further, the testimony taken in this particular cause upon notice to this particular applicant would not be competent testimony in the other cases in which it is sought to be made a part of the record.

MR. HASTINGS: The record shows that proof of notice to take testimony was had and filed upon the attorneys for the applicants in these five leading cases, being Nelson Murrell, D-548, Joe Ross, D-542, Jacob Ross, D-539, Steve Looney, D-519, and Esau Fox, D-508, and the testimony heretofore taken in these cases and introduced by the applicants themselves is to the effect that they all returned and moved to the Cherokee Nation together after the war; that they came along in the same crowd with Nelson Murrell and Joe Ross, about whom the witnesses introduced today testified, and for that reason the testimony of these witnesses is relevant in all of these cases.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Sworn to before me this 18th day of April, 1902.

F. G. Reuter

Notary Public.

[illegible]

[illegible]

[illegible]

C. F. D-548.

To be filed with the following Cherokee Freedmen cases: D-550, D-552, D-758, D-923, D-473, D-475, D-508, D-537 and D-621.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., APRIL 29, 1902.

In the matter of the application of Nelson Murrell, et al. for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-548.

Applicant represented by Mellette & Smith.
Dawes Commission represented by J. S. Davenport.

SIMON SCALES, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Simon Scales.
Q Where do you live, Simon? A At Fort Scott, Kansas.
Q Do you know how old you are, Simon? A I do, sir, about, near about it.
Q Well about how old do you think you are? A Going on 61, on the 25th of last March.
Q How long have you been living at Fort Scott, Kansas, Simon?
A Well, sir, near about thirty-one or two or three years.
Q About how long? A Thirty-two or three years, along there.
Q Well did you go there before or after the close of the war?
A After the war, sir.
Q Do you remember that distinctly; you don't know what year, but after the war closed? A Yes, sir.
Q Well after you went to Fort Scott, Kansas, did you get acquainted with a colored fellow by the name of Murrell? A I got slightly acquainted with him.
Q Did you ever know what his first name was? A I disremember.
Q You don't know what his name was? A I forget what his first name was; I got acquainted with him slightly, just passing by him coming [illegible]
Q [illegible] know where he lived? A No, sir; I never did know where he lived; I know he lived up the river above us a mile or two.

JOHN KILBURN, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A John Kilburn.
Q What is your age? A I will be 56 the 20th of October coming.
Q What is your post-office? A Marmaton, Kansas.
Q How long have you lived near Marmaton, Kansas? A Since '65, since August, '65.
Q You went there after the close of the war, did you? A Yes, sir.
Q Since you went to Kansas did you get acquainted with a colored family by the name of Murrell? A Yes, sir.
Q Do you know what the first name of the man was? A I think his first name slipped my mind. Nelson Murrell, Nelson Murrell I think was his name.
Q Where was he living when you first got acquainted with him?
A On John Todd's place.

Q Where is that from Fort Scott or Marmaton, Kansas, now, how far?
A Well it's a mile and a half west of Marmaton, and about eight miles of Fort Scott.
Q You say he was living on John Todd's place? A Yes, sir.
Q Did he have a family at that time, or do you know? A When I was there, just him and his wife.
Q Well, that's what I mean; was he keeping house? A Yes, sir
Q And lived on John Todd's place? A Yes, sir.
Q What were the circumstances of your getting acquainted with him that you remember him that well? A Why I went there to break prairie for John Todd.
Q They had a man on this place, he was living there? A Yes, sir.
Q Weary? A That was the most convenient place that I knowed of, so I stopped the wagon there, and I slept in the wagon and boarded with him.
Q Boarded with them, they cooked for you? A Yes, sir.
Q How then was that, Mr. Kilburn? A Well I guess that was in '68, it might have been '69.
Q Well did he move away from that country after that, or do you know? A He moved away, but I don't know when. Don't know where he went.
MR. MELLETTE: You simply stopped there with him while you was breaking prairie there? A Yes, sir.
Q Didn't know him very long then, did you? A No, sir.
Q Don't know where he had been before that, do you? A No, sir.
Q Don't know where he went after that? A I don't.
Q Are you certain it was in the year '68? A Well, that or '69.
Q How long did you breal prairie there? A I expect it was a couple of weeks, I disremember.
Q Well now when was your attention first called, when were you first asked about what you knew about this man with a view of your being a witness in this case? A By Mr. Rucker.
Q How long ago? A I guess it's six weeks ago, might have been less than that.
Q Now you mean you go back thirty-five or forty years and remember-- don't know what you been two weeks when you was breaking prairie?
A [illegible]
Q You have got a pretty good memory, haven't you? A Why I don't know what I have.
Q [illegible] talked to you about this case first; that gentleman, do you know? A Yes, sir.
Q What's he got to do with this business? A Couldn't tell you.
Q What's his name? A Rucker. C. T. Rucker.
Q Where does he live? A Fort Scott.
Q He was getting up evidence for the Cherokee Nation up there?
A I didn't positive about that.
Q He was around inquiring of you what you knew, was he? A Yes, sir.
Q What did he say to you? A He wanted to know if I ever knew a man-- now as near as I can recollect--if I knew a man by the name of Murrell, a colored man that used to live down there.
Q Did he say he was going about there getting what people knew about these cases? A I don't think he said anything about that.
Q Is he the witness that testified in the Pomp Brown-- Lewis T. Brown case a while ago? A I think he did.
Q And he came to you inquiring what you knew about the Nelson Murrell case? A Yes, sir.
Q That he was getting up testimony up there, isn't he? A Well I just inferred that he was, I never heard him say that he was.

Q Can you remember every man that you broke prairie for two weeks thirty-five years ago? A No,sir.
Q Why can you remember this man then? A Well I'll tell you how I know about the time. I had a homestead up there about three miles from this Todd place, and I broke--I was breaking prairie for the man that built my house on that homestead, and then there was a man by the name of Hill and he built the house on the homestead, and then I broke a piece for Mr. Stanley, another neighbor, and then I went to break for Mr. Todd and then I went up with the team,it was about the first team that I ever owned, and I went threshing with another man, hired to him on the threshing machine; that's how I remember.
Q That's the reason that you remember that you met Nelson for two weeks thirty-five years ago? A I know that's why I remember Nelson Murrell, yes,sir.
Q You didn't even remember his first name when you was first asked the question? A I didn't.
Q Have you ever seen him since you saw him there? A I don't remember that I have.
Q Don't know whether he is the man that has applied here or not for enrollment, do you? A I would just say that he was; I don't know anything about it.
Q Never have seen him? A No,sir.
Q All you have heard is that they was asking you about Nelson Murrell? A Yes,sir.
Q Well did you come away down here just to swear that? A I suppose that's what they got me here for. Looks that way to me.
Q You don't know where Nelson Murrell was in '66, do you?
A I do not.
Q '67? A I don't; let me see; no, I don't know where he was in '67.
Q And you don't know where he was except the time you speak of?
A [illegible].

MR. DAVENPORT: When you was spoken to about what you knew about Nelson Murrell by Mr. Rucker there was no inducement offered or any premium to get you to swear anything other than the truth, other than what you knew? A No,sir.
Q Did anybody ask you to swear to anything other than what you knew in regard to the matter? A I don't think they asked me to swear at all; just asked me what I knowed about it.
Q You was then subpoenaed, was you not? A Yes,sir.
Q Was there anything said to you about there being an association for the defense of the Cherokee Nation as against the claimants down here; was there any information given you that there was an organization for the purpose of trying to defeat the claimants?
A I never heard of any organization.
Q You come as any other witness after you had been talked to as to what you knew and then was subpoenaed; you came upon a subpoena after Mr. Rucker had talked to you as to whether you knew Nelson Murrell or not? A Yes,sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-550, D-552, D-758, D-923, D-473, D-475 and D-548, the case at bar; also in Cherokee Freedmen cases No. D-508, D-537, and D-6[illegible].

C.F.D-548.---4.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of May, 1902.

P. G. Reuter,
Notary Public.

(Notarial Seal)

I, George W. Irwin, stenographer to the Commission to the Five Civilized Tribes, being first duly sworn, state that the foregoing is a true and complete copy of the original transcript in the above case.

George W. Irwin

Subscribed and sworn to before me this 26 day of June, 1902.

P. G. Reuter
Notary Public.

17-1352

F.D-548.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 15, 190 2.

In the matter of the application of Flora Murrell for the enrollment of herself as a Cherokee freedmen.

SUPPLEMENTAL TO D-548.

Applicants appear by Thomas Owen, representing Melette & Smith, Vinita, Indian Territory.
Cherokee Nation represented by W.W. Hastings.

STEPHEN LITTLE, being first sworn, testified as follows:

MR. HASTINGS: What is your name? A Stephen Little.
Q Where do you live? A Live in Cooweescoowee District of the Cherokee Nation.
Q. Well give me your postoffice? A. Lenapah.
Q. What is your age? A Going on 77.
Q. Do you know Flora Murrell? A I do.
Q. Is she the wife of Nelson? A Wife of Nelson Murrell, she wasn't when I first knew her.
Q Well when you first knew her who was she the wife of? A A man by the name of Vann, I think they called him.
Q. Well what was his first name? A. Well I forget his first name
Q Well do you know it was Lowen? A Lowen vann.
Q Where were you living when you first knew Lowen Vann and Flora his wife? A I was living on Snow Creek.
Q.On Snow Creek? A Yes sir.
Q. After the war? A After the war, yes sir.
Q. How long had you been living there after the war when they move into that neighborhood? A Oh I had been there a very little while, I had been there I think four or five or six years, I know I had been there five years.
Q.You know you had been there five years? A I know I had been there five years.
Q. Did they have any children? I think they had five or six.
Q.Do you know any of their names? A Yes, sir, there was Sonny, and Charley and Florence, I know them, and another called Lila.
. Did you know Lowen Vann well? AKnow him well?
Q.Yes. A Oh, yes, sir, knew him well as I knew anybody.
Q. Did you ever talk to him about where he had been? A Never had any particular talk as I know of about where he had been, but I heard him say he had been to Mexico and he and I talked Mexican some together.
Q. You and he talked the Mexican language together? AYes sir, Mexican language.
Q Said he had been to Mexico? AYes, sir.
Q Did he say what part of Mexico he had been in? A I don't know, if he did I don't remember it.
Q. Well he talked the Mexican language did he? A Yes sir, good.
Q He was the husband of Flora Murrell? A At that time, yes sir.
Q The father of Charley Vann? A Yes sir, I suppose so.
Q. You didn't know him before the war? A No sir.
Q He talked the Mexican language did he. A Yes, sir.
Q You talked it? A He talked it and I talked it.
MR. OWEN: When was that that you knew him? A When he lived up on Snow Creek.
Q.How was that? A When I lived up on Snow Creek there.
Q. I say when was that? A Well it was sometime in sixty- I think

that must have been sometime in '70 along there.
Q Well why do you think it was in '70? A Because the time I moved there-
Q Well is there anything special that makes you think it was in '70?
A Yes sir something special.
Q What was it? A I had planted some apple trees, and I put them out first, and I know it must have been three or four or five years and that time they was bearing apples.
Q And they had just begun bearing apples? A Just begun to bear apples.
Q When you was talking with him? A Yes sir.
Q You put them out when you first went there, did you? A The first year after I went there.
Q You went there in '60? A Yes sir.
Q You put out your apple trees in '61. A '66 I went there.
Q You went in '66 so the Cherokees says, I wnet there in '66, that's the reason I am here to-day.
Q You have proved already before the Commission that you was there in '66 have you? A I didn't have that to prove, they all knew it.
Q Your neighbors knew that? A Yes sir.
Q What month did you go there in? A Me ?
AQ Yes you? A In April.
Q April 1866? A Yes sir.
Q Where did you come from? A I went from Leavenworth, Kansas.
Q When did you go to Mexico? A Never have been there.
Q How did you learn the Mexican language? A My boss always kept Mexicans at our house, he would trade them, and I heard them talking the language, and I learned it.
Q You learned it without going to Mexico? A Yes sir .
Q This other fellow that you testify about talked with you,Mexican
A Yes, sir, that Lowen did.
Q Didn't you say a while ago in your cross examination that you went there in '60? A Went where.
Q Where you live? A '66.
Q How old was them apple trees when you put them out? A Oh I don't know how old they was, I expect they were two years old or something like.
Q Two years old when you put them out? A I expect so .
Q And they was just beginning to bear? A Bearing when they come there.
Q When you first got acquainted with him? A Yes sir.
Q How long had he lived there in that community before you met him?
A Before I met him, why he didn 't live there long because he come there across the river from where I was, and I heard that some of his kin folks had come, and they was backwards and forth across the river there every day or two, see him.
Q He hadn't been there long before you met him? A No sir.
Q How long was it before you found out that he could talk Mexican?
A Oh I couldn't tell you, he was a Catholic and I was a Catholic, and we got to talking, and then he would let me know that he could talk Mexican.
Q Could you learn Mexican in that day and time without going to Mexico? A Well he could, couldn't he?
Q Well you learned it without going there didn't you ? A Yes sir.
Q Do you know anybody else that did? A Yes, sir, hundreds.
Q Lots of them learned Mexican without going to Mexico? A Hundreds, right where I was a man has all black folks could speak Mexican.
Q The fact that a mancould talk Mexican wasn't much of a sign that he had been to Mexico? A Not much, no, sir.
Mr, HASTINGS: You heard him say that he had been to Mexico and you learned Mexican up there around- A Up there about Independence, Missouri.

Q. Up there where they talked Mexican? A They would come there in the first of fall and stay until cold weather and go away and they wouldn't stay with the white folks, and that's the reason.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmen cases: D-550, D-552, D-768, D-923, D-473, D-475, and D-548, the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 20th day of May, 1902.

(Signed) P. G. Reuter.
(SEAL) Notary Public.

M. E. Kaufman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above copy which is a true and correct copy of the original transcript in the above case.

M. E. Kaufman

Subscribed and sworn to before me this 7th day of July 1902.

P. G. Reuter
NOTARY PUBLIC

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 1 1902

ACTING CHAIRMAN

Freed D 850

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Charles Vann, D 552;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly stremuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

P G Reuter
Notary Public.

Card D 552

Entered 2/16/05

32

IN RE
THE DEATH OF
Charles Vann
a citizen of the Choctaw Nation.

Approved 190

Commissioner

FEB 16 1905

Chairman

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Charles Vann (Here insert name of deceased.)

a citizen of the Foreman Cherokee Nation, who formerly resided at or near

Coffeyville Kans (Here insert name of postoffice), Ind. Ter., and died on the 17 day of

Jany, 1904.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western DISTRICT.

I, James A. G. Lane, on oath state that I am 24 years of age and a citizen, by Foreman, of the Cherokee Nation; that my postoffice address is Elliott (Here insert name of postoffice), Ind. Ter.; that I am nephew (State relationship as: the father; an uncle; a cousin, etc.) of Charles Vann (Here insert name of deceased), who was a citizen, by Foreman, of the Cherokee Nation; and that said Charles Vann (Here insert name of deceased.) died on the 17 day of Jany, 1904.

James A G Lane

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 16 day of Feby 1905.

R. S. Hutchins

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western DISTRICT.

I, George W Lane, on oath state that I am 52 years of age, and a citizen, by Foreman, of the Cherokee Nation; that my postoffice address is Elliott (Here insert name of postoffice), Ind. Ter.; that I was personally acquainted with Charles Vann (Here insert name of deceased.); who was a citizen, by Foreman, of the Cherokee Nation, and that said Charles Vann (Here insert name of deceased.) died on the 17 day of Jany, 1904.

George W Lane

WITNESSES TO MARK

(Must be Two Witnesses.)

Subscribed and sworn to before me this 16 day of Feby 1905.

R. S. Hutchins

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Delilah Hopkins, et al., as Cherokee Freedmen, consolidating the applications of--

Delilah Hopkins, et al.,	Cherokee Freedmen D 5[illegible]0,
Charles Vann, et al.,	Cherokee Freedmen D 5[illegible],
Sonney Smith, et al.,	Cherokee Freedmen [illegible].

-:-

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Alfred P. Hopkins for himself, (by intermarriage), his wife, Delilah Hopkins, and minor children, Florence [illegible], Ira [illegible], [illegible], Gussie, Johnnie, Nancy, Alfred and Lena Hopkins, and that, subsequent to the date of the original application, an affidavit which is made a part of the record herein, was filed, showing the birth of Charlie Hopkins, on July 13, 1901; by Charles Vann for himself and minor child, Willie Vann, and his wife, Lizzie Vann, (by intermarriage); and by Sonney Smith for himself and minor children, Flora, David, Thomas, Neely, Gladys, Floyd and Carrie Smith, and his wife, Hattie Smith, (by intermarriage). As the said Alfred P. Hopkins, Lizzie Vann and Hattie Smith, are differently classified, their rights to enrollment as citizens of the Cherokee Nation will not now be passed upon. A copy of the testimony taken in the case of Nelson Murrell, et al., Cherokee Freedmen D 848, is filed herewith and made a part of the record herein.

The evidence herein shows that the applicants, Delilah Hopkins, Charles Vann and Sonney Smith, are the children of one Flora Murrell; that the applicant, Sonney Smith, is the slave of a Cherokee citizen at the commencement of the rebellion; and that the applicants, Delilah Hopkins and Charles Vann, were born since the commencement of the rebellion. The other applicants herein are their minor children.

The Commission have heretofore found, in the case of Nelson Murrell, et al., Cherokee Freedmen D 848, that the said Flora Murrell was the slave of a Cherokee citizen at the commencement of the rebellion, and has continuously resided in the Cherokee Nation since birth. All the applicants herein have lived continuously in the Cherokee Nation since birth.

It is, therefore, the opinion of this Commission that Delilah, Florence, Ida B., Lindsey, Gussie, Jonnie, Lucy, Alfred, Lena and Charlie Hopkins, Charles and Willie Mann, Sonney, Flora, David, Thomas, Neely, Gladys, Floyd Ann, Carrie Smith, should be enrolled as Choctaw Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSIONERS TO THE FIVE CIVILIZED TRIBES.

Tams Bixby
Commissioner.

C. R. Breckinridge
Commissioner.

Approved, this 1 day of February,
1906.

NX

7055

SSION TO THE FIVE CIVILIZED T
FILED
MAR 30 1902
ACTING CHAIR

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Charles Vann,
Coffeyville, Kan.
Cherokee F-D-552
Register.

COPY.

Cherokee Freedmen,

D-552.

Muskogee, Indian Territory, June 2, 1905.

Charles Vann,

Coffeyville, Kansas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 15, 1905, granting the application for the enrollment of yourself, et al. as Cherokee freedmen.

You are advised that you will not be permitted to make allotment selections until your names have been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which you will be duly notified.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Incl. S-24

COPY

Cherokee Freedmen

D-550, et al.

Muskogee, Indian Territory, June 2, 1905.

Edgar Smith,

Attorney for Delilah Hopkins, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for the enrollment of Delilah Hopkins, et al. as Cherokee freedmen.

Respectfully,

T. B. Needles

Commissioner in Charge.

Incl. S-26.

Cher Fr 1458

Trans. from Cher Fr D923

Cher Fr 1458

"JOEL 'ALMO' TO RAPI' ALL' AMI' SEE ATOTOD of MOVES DUE DEDICOSAS

+ + + +

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 28th 1901.

In the matter of the application of Sonney Smith for the enrollment of himself and seven children as Cherokee freedmen, and for the enrollment of his wife as a Cherokee freedman by inter-marriage: he being sworn by Commissioner T. B. Needles, testified as follows-

W. W. Hastings, Cherokee attorney.

Mellette & Smith for applicants.

By Com'r Needles,-

Q What is your name? A. Sonney Smith.
Q What is your age? A. 45.
Q What is your post office address? A. Collinsville.
Q In what district do you live? A. Cooweescoowee
Q Do you want to be enrolled as a Cherokee freedman? A. Yessir.
Q Was is your name on any of the rolls of the Cherokee Nation? A. Yes sir on the Wallace roll.
Q On the 1880 roll? A. No sir.
Q Who do you desire to have enrolled besides yourself? A. Myself and family.
Q How much family? A. Wife and seven children.
Q What is your wifes name? A. Hattie.
Q How old is she? A. I dont know her age.
Q About how old is she? A. 28 or 30 somewhere around in there.
Q Is she your first wife? A. Second.
Q What is her fathers name? A. Milton Williams.
Q Is he living? A. Yes sir.
Q What is her mothers name? A. Lucy Williams.
Q Is she living? A. Yes sir.
Q Does your wife claim to be a Cherokee freedman? A. No sir.
Q A State woman is she? A. Yes sir.
Q You apply for her by inter-marriage? A. Yes sir.
Q What is your fathers name? A. Dave Smith.
Q Is he living? A. No sir.
Q What is your mothers name? A. Flora Murrell.
Q Is she living? A. Yes sir.
Q What are the names of your children? A. Flora
Q How old? A. 16 years.
Q Next? A. David.
Q How old? A. 14.
Q Next? A. Thomas
Q How old? A. 8.
Q Next? A Neely.
Q How old? A. 5.
Q Next? A. Gladie.
Q How old? A. 3.
Q Next? A. Floyd.
Q How old? A One year.
Q Next? A. Carrie.
Q How old? A. One year?
Q These last two are twins? A Yes sir.
Q Who was the mother of Flora and? A Sarah Smith my first wife.
Q What was the mother of David? A Sarah.
Q Who was the mother of the others? A. Hattie.

Q Are these children living now? A. Yes sir.
Q What is your ~~xxxxxxxxxxxxxx~~ first wife's name? A. Sarah Chambers
Q Was she a citizen? A. Yes sir.
Q What was her fathers name? A. Charles Chambers.
Q What was her mothers name? A. Sophie
Q Are her father and mother living? A Her father is.

Applicant not found on the 1880 or 1896 rolls.

Kern Clifton roll examined and applicants found as follows:
Page 125 No. 3103, Bonnie Smith,
Page 125 No. 3104, Florie Smith
Page 125 No. 3105, Dave Smith
Page 125 No. 3106, Tom Smith.

Wallace roll examined and the name of the applicant was found as follows- Page 128, No. 2751, Sawney Melton, Cooweescoowee dist.

Q Do you claim the Sawney Melton on the Wallace roll was intended for you? A. Yes sir, my young Mistress come in and witnessed for me and she said it was proper for me to take my masters name of Melton.

By Smith-

Q Where do you live now? A. In Cooweescoowee district, Cherokee Nation
Q How long have you lived there? A. All my life.
Q Where is your post office now? A. Collinsville.
Q How long has that been your post office? A. Ever since Collinsville started up.
Q How long has that been? A. 3 or 3 years, maybe 4.
Q Who do you say your mother is? A. Flora Murrell.
Q She is married again now? A. Yes sir to Nelson Murrell.

By Hastings-

Q Who marridd you to your first wife? A. Sam Webber.
Q In what year? A. I disremember what year.
Q About how long ago? A. 15 or 16.
Q Who married you to your second wife? A. Sam Webber.
Q How many years ago? A. 6 or 7 years ago.
Q Where were you born? A. In the Cherokee Nation, Cooweescoowee district, so said.
Q What part of Cooweescoowee district ? A. On Bird creek near Skiatook
Q Do you remember before the war? A. No sir.
Q Where were you during the war? A. When I come to my recollection I was on Big creek.
Q Who was you living with? A. My mother and step father.
Q What was your step father's name? A. Lowen Vann.
Q In a house? A. In a Cave.
Q Was there a creek near there? A. Yes sir.
Q What was the name of it? A. Red fork
Q On which side of the creek was this cave? A. Between the creek and the river
Q On which side of the creek? A. On the north side I suppose.
Q How long did you live there in that cave? A. I dont know.
Q Your not any people around there? A. No sir, only my people.
Q What people? A. Mother and step father.
Q Was that all your sam? A. Yes sir.

Q How long after the war before you got out of there? A. I dont know
Q You staid there some time after the war did you? A. Yes sir.
Q Who was the first human being you ever saw besides your family? A. A man named Butler, a Cherokee.
Q Where did you see him? A. On the Arkansas river.
Q Was that before you got to the Arkansas river that you saw him? A. It was before we crossed the river.
Q How far from the river was that cave? A. I dont know.
Q What is your best judgment? A 7 or 8 miles I suppose.
Q Were you living there when the war come up? A. I guess so.
Q The first you recollect you were in the cave? A. Yes sir.
Q Where did you get anything to eat? A. The old man got it.
Q You never went with him to get anything to eat? A. No sir.
Q You dont know how many years after the war before you came out of that cave? A. No sir I dont.
Q Was it a year or several years? A. It might have been 6 or 7 or it might have been one or two or three or four.
Q Where you grown then? A. I dont know.
Q Where you half grown? A. I dont know.
Q You never made any crop there did you? A. I never seed any.
Q Have you any brothers? A Yes sir Charles, he is younger than I am.
Q Was he born there in that cave? A. No sir.
Q Wher ewas he born? A. After we left there, on the river.
Q How old is he? A. I dont know.
Q You cant form any estimate of your ages? A. No sir I cant.
Q You have given us a statement as to your own age? A. Yes sirI had a reason for that.
Q Well where did you go from that cave? A We started to my grand mother Sarah Ross's at Tahlequah.
Q Where did you go, not where did you start? A. Well we got to a creek called Pryor creek and stopped.
Q Who did you stop with? A. A fellow named Grimmett.
Q How long did you stop there? A. Not long, he said that it wasn't safe for the negroes to go to Tahlequah as the Indians was hostile and was killing the negores off and we got scared and went back to the cave.
Q Well how long did you stay in the cave the next time? A. Quite a while.
Q How many years? A. I dont know, exactly how long.
Q Aside from these men, Grimmett and Butler was that the only people you saw around there ? A We saw some others as we came along, I dont know who.
Q About how many years did you stay in that cave when you went back? A I dont know if we staid a year or more than a year, I know that we came out again inthe fall ofthe year.
Q What year did you come out? A. I dont know.
Q Where did you go the second time you came out? A. On Pryor creek.
Q Who did you stay with there? A. My cousins Henry Melton and Bear Brown.
Q How long did you stay around there? A A year or two.
Q Where did you go then? A. My mother and grandfather and step-father lived on Snow creek then.
Q What year was that? A. I dont know.
Q How long after the war was it? A. I dont know.
Q Do you live there yet? A. My mother lives there yet, I livein Illinois district, and part of the time in Goweescoowee district.

By L. B. Bell, Cherokee representative-

Q Where did you cross the Arkansas river when you came out of your cave the first time? A. I dont know exactly where it was, we forded it.
Q Where did you meet this man Butler? A. Right close to the river.
Q What was his full name besides Butler? A Wyley Butler.
Q He is dead now? A I dont know.
Q Did you have a team? A. Yes sir.
Q And a wagon? A Yes sir.
Q Where did you get it? A. I dont know.
Q How long did you have it before you left the cave? A. Not very long.

By Mr. Smith-

Q Have you a certificate of your marriage? A. Yes sir.

By Hastings-

Q Was your first wife married before you married her? A. No sir
Q Did she have any children when you married her? A. Not as I know of.
Q Dont you know? A I dont know what a woman is doing in New York and me be here.
Q Well did she have any children with her when you married her? A. No sir.
Q Did your second wife ever married before she married you? A I dont know.
Q Did she have any children? A Only those I got by her.
Q Is your fisrt wife dead? A. No sir.
Q Did you get a divorce from her? A. Yes sir.
Q Where? A. In Illinois district at Braggs, at the court house there.
Q When did you get the divroce ? A. She sued for it and got it.

By the Commission-

Q Were you ever married before you married Sarah? A. No sir.
Q How long did you live with your first wife? A. 16 or 18 years.
Q And by her you had these two oldest children? A. Yes sir, Flora and David.
Q She procured a divorce and then you married your present wife? A Yes sir.

The applicant presents a certificate of marriage certifying that he was married to Hattie Williams on the 7th day of January, 1895.

Q You have no proof of divorce to present between yourself and your first wife? A. No sir, she sued for it.
Q Have you been living with Hattie continuously since you married her up to the present time? A. Yes sir.
Q Are these children living now? A. Yes sir.
Q Were they born and raised in the Cherokee Nation? A Yes sir.

By Com'r Needles,-

Sonney Smith applies for himself and seven children, Flora, David, Thomas, Neely, Gladie, Floyd, Carrie Smith as Cherokee Freedmen and for the enrollment of his wife Hattie as a Cherokee freedman by inter-marriage. He cannot be identified on any of the rolls in the possession of the Commission except

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the Kern Clifton and Wallace rolls; his three oldest children are identified on the Kern Clifton roll; it will be necessary for him to make proof of birth as to his four younger children; he avers that he ~~in the~~ was the slave of ~~Mathew~~ Lewis Melton and that he returned to the Cherokee Nation within the time set fourt in the treaty on 1866 for the return of Cherokee freedmen; he avers that he was married to one Sarah Chambers and that he lived with her for 10 or 12 years and that she procured a divorce from him, and that by her he had his two oldest children; it will be necessary for him to present proof of said divorce ; he avers that he afterwards married one Hattie Williams and makes satisfactory proof of his marriage to her, and avers that she isthe mother of his five youngest children. Now the said Sonney Smith and his seven children as herein named will be listed for enrollment as Cherokee freedmen on a doubtful card. Reference is made to the testimony in the ~~ma~~ case of Flora and Nelson Murrell on C. F. D. card ~~#~~ 848, Flora Murrell being the mother of the applicant, and the said testimony will be made a part of the record in this case ~~as~~ a copy thereof filed herewith. His present wife Hattie Smith will be listed for enrollment as a Cherokee freedman by intermarriage on a doubtful card and when the final decission of the Commission is arrived at they will be notified by mail.

+ + + + + + +

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this the 12th of July, 1901.

[illegible]

Commissioner.

B

30933

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date [illegible]

Post Office [illegible]

District [illegible]

1. Name Lucy Sutton, Age [illegible]

Owner's name Zebu Sutton Citizenship

Year [illegible] Page 25 No. [illegible] District

Parents:

Father [illegible] Citizenship

Mother [illegible] Citizenship

2. Name of wife [illegible] Age [illegible]

Owner's name Citizenship

Year Page No. District

Parents:

Father [illegible] Citizenship

Mother Lucy Citizenship

Names of Children:

3.	Elsa Smith	Year 1896	Page 125	No. 3104	Dist.	6
4.	Maria "	Year "	Page 125	No. 3105	Dist.	14
5.	Thomas "	Year "	Page 125	No. 3106	Dist.	6
6.	Lucie "	Year	Page	No.	Dist.	45
7.	Edgar "	Year	Page	No.	Dist.	3
8.	Floyd "	Year	Page	No.	Dist.	1
9.	Valerie "	Year	Page	No.	Dist.	
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12		Year	Page	No.	Dist.	

Application made by [illegible] Stenographer [illegible]

1 [illegible] Wallace [illegible] 30 273 [illegible] Sutton

Arthur [illegible] 20 [illegible]

3 [illegible] [illegible] Frank [illegible]

5 " " " " [illegible]

6 " Randle [illegible] 20 [illegible]

[illegible]

Certificate denied as [illegible] not entitled to enrollment

Represented by Mellette and [illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 11 1901

ACTING CHAIRMAN

To be filed with the case of Sonley Smith, [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 6th 1901.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife as Cherokee Freedmen; said [illegible] being sworn and examined by Commissioner T. B. Needles, testified as follows:

Appearances:
[illegible] & Bellette, for applicants.
Mr. W. W. Hastings, Cherokee Representative:

Q What is your name? A. Nelson Murrell.
Q How old are you? A. 77.
Q What is your post office address? A. Coffeyville.
Q What district do you live in? A. Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Do you desire to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Do you desire to enroll anybody besides yourself? A. Myself and wife
Q What is the name of your wife? A. Flora.
Q How old is Flora? A. About 67.
Q Is your name on the roll of 1880, Mr. Murrell? A. No sir.
Q Is your wife's name not on the roll of 1880? A. No sir.
(By Mr. Smith)
Q What is your post office, Mr. Murrell? A. Coffeyville, Kansas.
Q How far do you live from Coffeyville? A About eight miles south.
Q In the Indian Territory? A. Indian Territory.
Q What Nation? A. Cherokee.
Q Were you yourself born a slave? A. Yes sir.
Q Who was your master? A. Well I was born a slave of one Nave.
Q Do you know what Nave it was? A. Henry Nave.
Q Was he a Cherokee Indian? A. His wife was.
Q What was her name? A. Susie Nave
Q Do you know what her name was before she married Henry Nave? A. Susan Ross.
Q Was she a Cherokee Indian? A. Yes sir.
Q Was she a citizen of the Cherokee Nation? A. Were Henry Nave and his wife citizens of the Cherokee Nation? A. Well, his wife was a Cherokee and he was adopted citizen, by marriage
Q Where did they live before the war? A. Well, before the war the first I knew of them they lived in Georgia.
Q Did they ever live [illegible]? A. Yes sir.
Q Did they [illegible] the Nation? A. [illegible]
Q Where were [illegible] the war [illegible]? A. I [illegible] Tahlequah
Q With what family of people? A. [illegible] Nave, George Murrell.
Q Did you live in the Cherokee Nation before the war? A. Yes sir.
Q [illegible] in Kansas.
Q When did you first return the first time to the Cherokee Nation after the war? A. I [illegible] the first time in 1865, [illegible].
Q Where did you come to? A. I came to the [illegible] Nation.
Q What point [illegible]?
Q In what [illegible]? A. Snow Creek vicinity.
Q How far from what is now the town of Chelsea? A. I [illegible] exactly [illegible] Chelsea town, about 35 or 40 miles; this is the first time I ever was at Chelsea.
Q Did you make more than one trip to the Cherokee Nation? A. Yes sir
Q How long after you came in 1865 when you came out again after you went out? A. Went back again about a month after I came in 1865.
Q Did you return to the Cherokee Nation at any time after that? A. A Yes sir.
Q [illegible] only.
Q In what year? A. Same year.
Q Did you remain there at that time? A No sir.
Q What did you do then? A Went back.
Q When did you return then to the Cherokee Nation? A. In 1865, in the fall, in 1866 and '65 I mean in the fall.
Q Well where did you locate? A I located on the Virdigris river on the east side of the Virdigris, west side of Snow Creek.

Q When? A. I located on the east side of the Virdigris,west side of Snow Creek
Q When was it you made that location? A. I made that location in '75 where I live.
Q Where had you been up to 1875? A I had been back to Kansas.
Q When was it now you said you first came down here? A I came down in February, 75.
Q You don't mean '75? A No sir, '65.
Q Now when did you first make that first location? A I made it the same time.
Q You said Mr. Murrell, 75, a while ago? A. I took that back, I made a mistake.
Q Well when was it? A I come in '65.
Q That is what you said when I asked you when you made your first location? A My first location I made it in February, '65.
Q Where have you lived since that time? A. I stopped in Kansas a little while, I never did live in Kansas.
Q Who is your wife now? A. Flora Murrell.
Q How long have you known her? A. I have known her 40 odd years.
Q When did you first get acquainted with her? A. I got acquainted with her 40 years ago perhaps, maybe more I won't be positive.
Q Where? A. Close to Tahlequah, Park Hill.
Q Before the war? A. Yes sir.
Q Where did you next see her after the war? A. He seen her after the war, I saw her up on the Virdigris where I live now, that was after the war.
Q Well, when did you see her next? A I saw her along about '73,1873, I saw her.
Q Where was she living? A. Well, sir, she came into the country there where I lived.
Q Well, where were you living? A I was living out there near Snow Creek
Q Was she ever married before she married you? A. Well sir, she come there a married women.
Q What was her husband's name? A. Robert Vann, Louis Vann is Cherokee
Q When did you marry? A. I married about 26 years ago.
Q Have you and she been living together ever since? A. Yes sir.
Where? A. Up where I live now, Snow Creek.
Q How long had you been back here after you made your location here in 1865 before you first saw her? A. It was about two years.
You dont know when the was in 1866? No sir.
(By Mr. Hastings)
Q You come down in 1865? A Yes sir.
Q Who came with you at that time? A. Joseph Ross and Frank Nave.
Q Anybody else? A. That is all.
Q Where did you come to A Come on Virdigris.
Q Near Snow Creek? A. Yes sir.
Q How long did you remain up there? A. About one month,somewhereas a long about that.
Q Where did you go from there? A. I went back to Kansas.
Q How long did you stay in Kansas? A. I come back the next time in June
Q The following June? A. Yes sir.
Q What did you do then in June? A. Cut hay.
Q You put up hay then did you? A. Yes sir.
Q Then you went back did you? A. Yes sir.
Q Well when did you come back then? A. I come back in the fall.
Q Same fall was it? A. Fall of '66.
Q Was it the same fall you put up the hay in June? A Fall of '66.
Q Answer my question did you come back the same fall that you put up the hay? A. Yes sir.
Q You put up hay after you were here in June? A. Yes sir, I come back in the fall of '66, I know that.
Q The first time you ever come here was in February? A. Yes sir.
Q According to your testimony you staid here about a month? A. About a month.
Q You and Joe Ross and Frank Nave? A. Yes sir.
Q Frank Nave is dead, isn't he? A. Yes sir.
Q Now you stated you staid here about a month at that time A Yes sir
Q Then you went back to Kansas? A. Yes sir.

Q Now, you stated that you came back here the following June and cut up hay, is that true? A. That is true.
Q Now, then you went back to Kansas again? A. Yes sir.
Q Now, the next time you moved is that correct? A. Yes sir.
Q And that was the following fall? A. Yes sir.
Q Now, the first time you come here was in February, '65? A Yes sir.
Q Now, who came with you when you came in June? A. Joseph Ross, Posy Gibson, Ben Pee and Caesar Hog.
Q That was all was it? A. Yes sir.
Q Did you see any colored people, anybody when you first come ? A Yes sir.
Q Who? . Amos Adair.
Q You testified in Amos Adair's case the other day didn't you? A I did
Q Did you see any colored people here the following June when you come? A Mr. Adair.
Q He was here in June was he? A. I think he was, if I maistake not.
Q That was the June after you were here in February? A. Yes sir.
Q Now, what other colored people did you see down here, in June any besides Amos Adair? A Only Amos Adair.
Q You never saw any colored people while you were on that trip? A. No sir, not on that trip.
Q Now about what time did you return to locate? A. I returned to locate the third time in the same following fall.
Q In the same following fall? A. Yes sir.
Q About when? A. Along about the first of thefall , I dont know exactly.
Q You dont remember the moth? A. No, I dont remember the month.
Q Do you think it was as early as September? A. It hadn't got cold yet.
Q The leaves were on the trees? A Yes, the leaves were on the trees.
Q You never lived about Fort Scott Kansas~~? A~~ did you? A. No sir, I never did live there.
Q You didn't make a crop on the Stuart farmdid you? A. No sir, I dont know nothing about Stuart.
Q Did you make a crop up there? A Yes sir.
Q On whose place? A I made a little crop on John McKibbon's place one year .
Q What did you raise? A I raised a little corn.
Q What year was that? A That was while the war was going on, I think it was in '63.
Q Wasn't you in the army? A. No sir, wasn't in no army.
Q Did you make ~~xxxxxxxxxxxx~~ a crop in 1865? A No sir.
Q Did you make onein 1866? A No sir.
Q Did you make a crop up there in '67? A No sir, I wasn't up there.
Q Did you know a man by the name of Reator? A. Yes sir.
Q What county was he in? A. Bourbon County (Kansas)
Q Did you know Mrs. Brumby? A. I got acquainted with her down here.
Q You never knew her up there? A. No sir.
Q You never saw her before? A. Never saw her before I saw her here.
Q Where did you get acquainted with her here? . She was at my house
Q On Snow creek? A. Yes sir.
Q You come, then, and located on Snow Creek, did you? A. Yes sir, on Snow creek.
Q You had built that house in there in February before? A. February before.
Q Where did you spend the winter before that? A. The winter before that.
Q The winter before you came down here . Near Pound City.
Q Murrell, do you belong to the Freedmen Protective Association?A-Yessir
Objected to by Attorney for applicant because it is incompetent irrelavent and immaterial.
Objection overruled by the Commission.
Q Who are your witnesses? A. Joseph Ross.
Q Does he belong to that Association? A. I don't know whether he does or not.
Q Dont you know the members of it? A Yes, he belongs to it.
Q Who is any other witness? A. Steven Looney.
Q Does he belong to it? A. I dont know, he lives in another neighborhood
Q About how far from you? A. About three miles.

Q You dont have different Associations every three miles? A. Might have different places where they meet.
Q About how many belong to your Association? A. I dont know.
Q Well, about how many? A. Maybe 20 or 30.
Q Are your meetings held in secret? A. No sir.
Q What is the object of it? A. To protect one another and keeping out all people that don't belong to the Cherokee Nation.
Q Have you ever given any information to keep out any from the Cherokee Nation? A. No sir.
Q You have testified for several? A. Yes sir.
Q You were at Fort Gibson? A. Yessir.
Q You went down there as a member of the Committee? A. I went down there with a man.
Q You are down here as a member of the Committee? A Yes sir.
Q What other witnesses have you got? A. Sam Webber.
Q Does he belong to your association too? A. I dont know nothing about Sam Webber.
Q Dont you know the members of your association? A I know the members where I live; Sam Webber lives at Nowata.
Q Well now, does this Joe Ross belong to it? A. Yes sir.
(By Mr. Smith)
Q What did you say that the purpose of the association was? A. The purpose of that Association is Cherokee Freedmen Protective Association, Cherokee Freedmen.
Q What is the purpose of it? A. It is to protest one another in helping one another through this Court I suppose ~~xxx xxxxxxx~~ to be Cherokee Freedmen; on the outside no one belong to it but Cherokee Freedmen, or there has no right to be there, that is the order.
(By W. W. HASTINGS) It is ~~xxxxxx~~ a secret order is it? A. No sir; no man comes in there belonging to the United States, he has no right in that order.
(By Mr. Smith)
Q Mr. Murrell, do you know how many of those Associations there are? A No sir; I dont know exactly there may be three or four, four or five, as far as I know.
Q You were asked if you had testified for a good many of the applicants? A Yes sir I was asked that.
Q You stated that you had I believe? A. I had for a good many.
Q Have you testified for any applicant except those that you knew to have been here in 1866? A No sir, I haven't; I deny the charge.
Q You have been in attendance consitently upon this Commission since it has been meeting at Chelsea? A No sir.
Q Have you heard any Cherokee Indians testify in favor of those applicants? A. All come back in '70, I haven't heard nary one.
Q How many people on the part of the Cherokee Nation have you observed on this from row right here (Indicating) A Oh I have observed several.
Q Do you know what they are doing? A. I see some slipping in little slips here to Mr. Hastings, and others say they preparing them around there and sli ing them here.
Q Do you know in what capacity they are retained here? A. No sir, I can't tell.
(By Mr. Hastings)
Q Mr. Smith has been the attorney for a good many hasn't he? A You know how many he is for.
Q He has the calling hasn't he? A. Yes sir.
Q He has not called any Cherokee citizens has he? A. No sir.
Q Mr. Murrell, there is about two thousand recognized Freedmen on the roll of 1880? A I dont know anything about how many.
Q The Cherokee Nation made that roll? A. Till you got there with them I dont know.
Q The Cherokee Nation made that roll? A. Yes sir, I suppose so.
Q And they recognized in 1880 about two thousand old slaves? A Yes sir
(By Mr. Smith)
Q Do you know of any old slaves they didn't recognize in 1880? A Yes sir, I do.
Q Were you here when that census was taken? A. Yes sir.
Q Do you know how that census was taken? . Yes sir.

Q How? A They went to work and taken that census and went through the country,and I was living at that time up near Coffeyville,where old Paker was at that time;these census takers would come up there and sometimes they would get drunk and overlay their time and then they would go to the nearest house and ask who liver over there and they would tell them.

(By Mr. Hastings) You dont know that? A. Yes sir; I know it; I know it to be a fact.

Q The National Council revised and authenticated this roll of 1880 didn.t they? A. I dont know; they done so many things, I dont know what they done.

(By Com'r Needles)

Q Did these census takers come to your house and enroll you in 1880? A No sir, not at that time.

STEVE LOONEY,called as a witness and being duly sworn by Commissioner T. B. Needles,testified as follows:

Examination by Mr. Smith:

Q What is your name? . Steve Looney.

Q Where dod you live, Mr. Looney? A. I live up on the Virdigris.

Q How long have you lived there? A. I have been living there ever since the fall of '66.

Q Have you got any brothers and sisters? A I have a sister I have no brothers.

Q What is your sister's name? A. Frances.

Q Frances what? A. Frances Patterson,if she goes by her husband's nam and have one named Mandy.

Q Do you know Nelson Murrell? A. Yes sir

Q How long have you known Nelson? A. I have been knowing him pretty near all my life, ever since I was a little boy.

Q How old do you say you are? A. About 58.

Q Where did you know Nelson first? A. Knowed him at Park Hill.

Q Where was Park Hill? A. Down in the Cherokee there.

Q Near what town now? A. Tahlequah

Q Do you know who he belonged to? A He belonged to George Murrell;that is his Massy's name;he belonged to his Mistress,Mandy Murrell,she is a Cherokee.

Q Did he ever belong to anybody else except them? A. Not as I know of

Q Not that you know of? A. Not as I know of.

Q Which is older,you or he? A. He is older than I am.

Q Do you know whether he went out of the Nation during the war? A. Yes sir.

Q Did he? A. Yes sir, I guess he did.

Q When did you first see him back here in the Cherokee Nation after the war? A. Well we came together come to the Cherokee Nation.

Q [illegible] did you come from? A. Come from Fort Scott, Kansas.

[illegible] did you come to? A. We came on the Virdigris [illegible], [illegible] the Nation.

[illegible] Well, when did you [illegible]. We [illegible] the fall [illegible].

Q [illegible] you [illegible], [illegible] point; you said on the Virdigris [illegible] whereabouts? A Right close to Gooseneck bend.

Q Where have you been living ever since that time? A. I have been living right where I live now.

Q How far does Nelson Murrell live from you? A. It must be three miles or more,about three miles and a half I guess.

Q Something near three miles and a half? A. Yes sir.

Q Well, where has Nelson Murrell been living all this time? A Been living right where he is now.

Q Since when? A. Since we moved there in '66,the fall.

Q Do you know his wife, Flora Murrell? A. Yes sir.

Q When did you get acquainted with Flora? A Well,I used to know her before the war.

Q How long had she and Nelson been married, do you know? A I dont know

Q Well is it a long time or a short time? A. Been a good while ago.

Q Are they living together up there now? A. Yes sir.

(By W. W. Hastings)

Q What was his wife's name when you first knew her? A If I amit mistaken

it is a Melton.
Q Melton? A. Yes sir, if I mistake not.
Q Who did she belong to before the war? A. If I ain't mistaken,might be mistaken,George Melton,or Lewis Melton,it was the Melton family; there was a whole lot of them.
Q Where did you live before the war? A. They did live there a while at Park Hill.
Q Where did you live? A I lived on Illinois river.
Q Do you think they belonged to the Meltons? A Yes sir.
Q Was she and Uncle Nelson married before the war? A. No sir, I think not.
Q Wasn't theu living in Kansas together? A I dont think she was.
Q Well when did you first see them living together? A. Well that is when I was tellinf you I dont know how long since they was married.
Q When did you first see them, how long ago? A He was up on Snow Creek
Q Did he bring her back with him when you come with him? A. I dont think he did.
Q When did he bring her? A. I could not tell you that.
Q You cant say whether he brought her with him or not? A. No sir.
Q Who did he bring with him? A He brought a woman by the name os Eliza
Q Is she living? A. No sir! she is dead.
Q When did she die? A. She has been dead a good while ago, I could not tell you just how long it has been.
Q How long was it after the war was it until you saw this woman? A Well I could not say that either, it has been a good while ago.
Q Do you know whether she was ever married before? A. No sir, I could not tell that.
Q When is the first time you were ever down here after the war? I come in the fall of '66.
Q That the first trip you ever made? A. That is the first trip o my recollection.
Q That is when you moved down? A. Yes, when I moved down.
Q About what time in the fall was it? A. Kinda cold,late in the fall.
Q Pretty near Christmas? A It might have been.
Q About how long was it after the treaty, after you heard of it until you come? A I told you once I didn't know about what time, it might have been close to about a year,couldn't tell you exactly,never kept any dates, I come back in that fall.
Q You never kept up with dates very well? A. No, dont know anything about it.
Q You didn't come down with uncle Nelson in June or July before? A. No sir.
Q Did he have any house built down here? A If he did I disremember.
Q You didn't see it? A. No sir.
Q No corn? A. No sir.
Q Have any hay? A. Well he might have had hay; I didn't stop around in very long, I moved right across the river.
Q How far did you locate from him? A. It must be three miles or three miles and a half.
Q Did he come in a wagon? A. Yes sir.
Q How many wagons did Uncle Nelson have? A. One as I know of.
Q Only one team? A. Yes sir
Q Well where di you get in with Mr. Murrell at? A. Fort Scott.
Q Did he live there in Fort Scott? A. Not right in Fort Scott he didnt
Q On whose place was he living? A. I disremember the man's name now.
Q Do you think you could remember it if I was to call it? A. I dont know whether I would or not.
Q Do you remember a man's name by the name of Stuart? A I dont believe I do.
Q Do you know whether he made a crop down here that year? A. No moved down here in the Winter? A I dont know whether he did or not.
Q He was living on a farm near Fort Scott? A. Yes sir.
Q Do you belong to Uncle Nelson's Freedmen Union Association? A I do, you not.
Q You live within three miles from him? A. Yes sir,I could live in the house and then not belong to what he did.
Q He testified for you? A. Yes sir.
Q And you are testifying for him? A. Yes sir.

Q Yet you don't belong to his Protective Association? A Wasn't nobody up there to have as witness, nobody there;if there has been anybody there I probably would have had different people.

JOE ROSS,being sworn by Commissioner T. B. Needles, testified as follows- (By Mr. Smith)

Q State your name? A. Joe Ross.
Q How old are you? A. I am about 60 years old.
Q Where do you live? A. Up in Cooweescoowee.
Q What is your postoffice? A. Coffeyville.
Q How long have you lived in the Cherokee Nation? A. I have been living in the Cherokee Nation all my life.
Q Did you go out of the Nation during the war? A. Yes sir.
Q Do you know Nelson Murrell? A. Yes sir.
Q Was he out during the war? or didyou know about that yourself? A.
A Out during the war?
Q Yes, was he out during the war, or did you know? A Yes he was out during the war.
Q When did you next see Nelson Murrell in the Cherokee Nation after the war? A. When I first seen him he rid him come down to the Cherokee Nation from Kansas.
Q When did you come? A. In '65 first.
Q Where did you come to? A. Down here on the Verdigris.
Q In what district? A. Cooweescoowee district.
Q That was Cherokee Nation? A. Yes sir.
Q Well, where have you been living since that time? A I have been living right here.
Q How far do you live from where Nelson Murrell lives? A. We live right close together.
Q How close together? A. We staid pretty near in one house pretty near together.
Q Do you mean now? A. Not now, he stays on one side of Snow Creek and I stays on the east side.
Q How far do you live from him now? A. About two or three miles.
Q Do you know where Nelson Murrell has been living since you and he came back here in 1865? A Yes sir.
Q Where? A. Right where he is living now.
Q And where is he living now? A. Verdigris.
Q In what Nation? A. Cooweescoowee.
Q Cooweescoowee District you mean? A. Yes sir.
Q Well, what Nation is it in? A. Cherokee Nation.
(By Mr. Hastings)
Q Do you know what Nation this is, are you positive? A I know it is Cherokee Nation all right.
Q Do you know what district it is? A. Yes sir.
Q What? A. Cooweescoowee district.
Q Uncle Joe, what year is this? A. I don't know [illegible].
Q [illegible] any year? A. Might little.
Q Don't know anything about dates? A No sir.
Q Do you know what year you were born? A. No sir, I dont know that.
Do you know what year you were married? A No sir.
Q You dont know about any other than, anything but the one you mentioned? A Yes sir.
Q What is the only year you know? A. No sir.
Q What other year do you know? A. '65.
Q Dont you know any other year? A. No sir.
You never heard of any other year? A. Yes sir.
Q What other year did you hear of? A. '66.
Q Did you ever hear of any other? A. No sir.
Q You never heard of any other except these two? A. No sir.
Q Where did you live before the war? A. Lived with John Ross.
Q Did you know Nelson Murrell's wife? A. Yes sir.
Q Who? A. No sir; one he lived with up there, I knowed his wife was Eliza Turner.
Q Well, he has one out wife;is that his present wife? A Yes sir.
Q Well, I didn't know that that is the wife he is living with now? A Yes sir.
Q How long have you known her? A (No response)
Q You come to Snow creek did you? A Yes sir.

Q About what time of the year did you come to Snow Creek? A. Come here in '65 the first trip I made.
Q About what time of the year was it? A. Well sir, I dont know what time it was, it was cold.
Q About Christmas? A No, it was not Christmas.
Q Well, was it before Christmas or after Christmas? A No it wasn't it was sostime, it was cold weather, I dont know what time it was.
Q Snow was on the ground? A Snow ketched us on the ground before we went back.
Q Who come with you? A. Me and Nelson Murrell and Frank Wave.
Q How long did you stay here? A. About a week and some nine or ten days
Q The snow caught you on the ground while you were down here? A Yes sir.
Q What did you come down for? A. We fetched a load of flour down.
Q Is that the old time you were down here before you moved? A That was before I moved I come down here.
Q Then the next time you come down you moved ? A The next time I come sir two trips, third trip I moved.
Q Who come with you the second trip? A. Me and Murrell.
Q Who else? A. Posy Bigson.
Q And who else? A. That is all I remember.
Q What did you do that time? A. We cut some hay and put up.
Q What time of the year was that? A. I dont know sir, what time of the year that was we cut some hay and put up.
Q How long did you say? A. We staid a week or so.
Q What did you cut hay with? A. Mowing blade, grass blade.
Q And put it up in stacks? A. Put it up in stacks.
Q You didn't build any houses then? A We built our houses before that
Q Was that in 1866 you come that time? A. In '66 we went up and moved our folks down to our houses.
Q You have lived up there on Snow creek ever since? A. Yes sir.
Q Uncle Nelson testified for you in his case? A. Yes sir.
Q And you are testifying for him in his? A Yes sir.
Q Do you belong to Uncle Nelson's Freedman Protective Association? A I didn't know they had a Freedman.
Q Do you belong to it? A. I dont know whether I is or not.
Q Do you belong to an Association of colored people? A. Yes.
Q Good many people

MR.SMITH: Mr. Court, I want to make a formal objection because it is irrelavent,incompetent and immaterial.

Objection is overruled by the Commission.

Q I want to ask you if a great many people don't belong to that association up there? A (No response)
Q Say, Joe, don't a good many people belong to that Association? A Not a good many of them
Q About how many? A. I dont know how many there is a few of us.
Q It is a secret Association isn't it? A. I guess it is.
Q You only let certain persons in? A. We let all come in we dont want to come in
Q Stewen Looney belonged to it? A. I dont know whether he is or not.
Q You don't know the members of it? A. I know em,but they.
Q You can't tell them? A. No sir.
Q You are not allowed to tell them? A. No I didn't
Q You are not allowed to tell the purpose of it are you? A. No sir.
Q It is a secret Association then isn't it? A. It must be.
Q Where did you see, first know Nelson Murrell's present wife,the wife he is living with where did you first know her? A. I knowed her where she is now,in the Cherokee Nation.
Q Well, when did you first know her? A I have been knowing her all my life.
Q Was she living before the war? A. She belonged to old man Melton.
Q When did she and Nelson marry? A [illegible] married
Q Before or after the war? A. Well, before the war, [illegible]
Q Did Nelson bring her down here with him when he came back [illegible]
A No sir.
Q Well, did he [illegible] when he moved his family? A. No sir he didn't

Q Well, who did he bring? A He brung his wife with him what he had up there, Eliza Williams.
Q That is not the wife he is living with now? A. No sir.
Q Well had he married this wife before the war? A. Which wife?
Q The one he is living with now? A. No, sir.
Q He didn't ? A No sir.
Q He never married her until after the war? A. No sir.
Q Well, how long after the war until you saw this woman? A I saw her, don't know how long it was.
Q Did she come along with you people? A. No sir, she didn't
Q Do you know who brought her down here? A No sir.
Q Do you know when she come? A No sir.
Q You dont know how long after the war? A. No sir.
Q Do you people in your Association agree to help each other get up your testimony? A We dont have any testimony to get up.
Q Never made any agreement of that kind? A. No sir.
Q You appointed uncle Nelson as a member to go down to Fort Gibson?
A I didn't appoint him.
Q I mean that Association downthere they sent him down there? A. No sir, they didn't
(By Mr. Smith)
I believe you stated that you didn't see and you didn't yourself know where Flora Russell was when you and Nelson came down here in 1866? A No sir; I dont know where she was.
Q Do you know how long she was after that before Flora and Nelson married? A No sir.
Q Don't say? A. No sir, I cant say.
Q Now who was Nelson's wife before he married Flora? A. Eliza Williams
Q Eliza was her name was it? A. Yes sir.
Q Well, Nelson was not married to Flora before the war was he? A. No sir.

FLORA RUSSELL, being called and sworn by Commissioner T.P. Needles, testified as follows— (By Mr. Smith)

Q State your name? A. Flora Russell.
Q How old are you? A. Well if I remember right I think the last day of this last June I was 70.
Q Where do you live? A. I live on Snow Creek, between Snow Creek and the Verdigris river.
Q In what Nation? A. In the Cherokee Nation.
Q How long have you lived there, in the Cherokee Nation? A. All my life
Q Have you lived there always? A. Yes sir.
Q To whom did you belong at the time the war commenced? A. Lewis Melton and Susie Melton.
Q Were they Indians? A. Yes sir.
Q Cherokee Indians? A. Yes sir.
Q Citizens [illegible] A. Yes sir.
Q Where were you during the war? A. I was up in the Nerd.
Q Where is that? A. Up on the Verdigris river.
Q In what Nation? A Well it is in the Cherokee Nation.
Q And you [illegible] during the war? A No sir.
Q Where were you at the time? A. Certainly after the war I was at Big Nerd, I dont know much of that time.
Q You don't know dates? A. No sir.
Q Have you ever lived out of the Cherokee Nation at all? A Never Xxxx was.
Q Who were the members of the family of Lewis Melton and his wife, about whom you have spoken? A. Susie Melton, Nancy [illegible] Melton, and had a daughter named Susie, [illegible] Edward Melton, Moses Melton.
Q In what part of the country were you living when the war commenced?
A We was living in the place the [illegible].
Q Don't care about the place but what part of the Cherokee Nation were you living in? A. Snow Creek.
Q How would that be as the towns are built now? A. There were [illegible] no towns there [illegible]
Q How far did you live from Tahlequah? A. They [illegible]
Q You don't know how far it was? A. No sir.

Q Now this place you are talking about living what town if any has been built up near that place since? A. I dont know sir as there is any, I aint been to the place since the war.
Q You state that you weren't out of the Cherokee Nation during the war? A. No sir, I wasn't
Q Have you ever been married before you married Murrell? A Yes sir.
Q Who was your husband? A. Louin Vann, they called him in Cherokee, his name was Robert Vann in English.
Q Was he a slave? A. Yes sir.
Q Who did he belong to? A. Joe Vann
Q Was Joe Vann an Indian? A. Yes sir.
Q Cherokee Indian? . Yes sir.
Q Here in the Cherokee Nation? A. Yes sir
Q How long were you and Louin Vann married? A. Well I dont know hardly just how long we was married.
Q Did you have any children while you were his wife? A. Yes sir.
Q What are their names? A. We had eight children, I haven't got but three living.
Q Give me the name of these children? A. Sonney Smith.
Q Is that a man or woman? A. He is a man.
Q And what is the next one's name? A. Charley Vann.
Q What is the next child's name of the three living? A. Lila Hopkins, she is married.
Q Is the meant for Delilah or just Lilah? A Meant for both but we just called her Lilah.
Q Is she married? A. Yes sir.
Q Whom did she marry? A. She married Oliver Hopkins.
Q Where does she live? A. She lives on Caney.
Q In what Nation? A. Cherokee Nation
Q How long has she lived there? A. I dont know just how long she has been there, pretty near ever since they have been married.
Q How long have they been married? A. I dont know, been married long enough to have seven or eight children.
Q How old is the oldest child? A. I dont know, I think she is in her sixteenth year.
Q Where was Lilah before she married? A She was living with me.
Q Where did she live up to the time she was married? A. With me.
Q Where does your son, Charley Vann, now live? A. He lives in about half a mile of me.
Q Where? A On Snow creek.
Q In what Nation? A. Cherokee Nation.
Q Is Charley married? A. Yes sir.
Q What is his wife's name? A. [illegible]
Q How many children has he got? A. One.
Q What is its name? A. Willie Vann, she is a girl.
Q These three children, Charley Vann, and Lilah Vann and Sonney Smith are your children? A Yes sir.
Q Where had Lilah lived up to the time he was married? A Lived out here with me.
Q Where did Sonney live? A. Lived out home with me, when he was not working out
Q Where does Sonney live now? A. I know not where.
(By Tom'y Needles)
Q Flora, you say you never lived out of the Nation? A. No sir
Q You were born a slave? A. Yes sir.
Q Is your name on the roll of 1880? A. Not as I know of.
Q ~~Is your name on~~ Why is it not on? A I know when they was taking the census of 1880, Sufus Vann came up to them, he came up there, he didn't go up to my house, and mother went out and she come back and got me and when I got up there it was too late in the evening and Rufus told me to come back the next morning and meet at Fouteau and he would put my name down and when I went there he was gone.
Q Your name never did get down? A. No sir.
Q Are you married to Murrell? A. Yes sir.
Q You are on the Kern Clifton roll? A Yes sir.
The 1880 authenticated roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The 1896 Census roll of Freedmen of the Cherokee Nation examine

and names of applicants not found thereon.
The Kern Clifton roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
page 170 #4184, Nelson Murrell, Cooweescoowee district.
page 195, #3101 Flora Murrell, no district given
The Wallace roll of freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
page 127 #2672 W. Nelson Murrell, Cooweescoowee District.
page 1[illegible] #2[illegible] Flora Murrell, Cooweescoowee district.

(By Mr Hastings-)
Q You made a statement here about after you were making the census you [illegible] I dont know what year it was, I dont know as I said when he was taking the census,
Q You don't know whether it was in 1880 or not? A. No sir, I dont.
Q Were you living with Nelson Murrell then? A. I belonged to Mr. Murrell when living at home with him.
Q Do you remember what year you were made free to Mr. [illegible] A. No sir
Q Do you remember how long after the war? A. No sir, I dont
Q How old is Charley Vann? A. I dont know that just exactly, but I think he is along about 33 or 34, I dont know exactly.
Q Where was Charley born? A. Born at Big Bend.
Q Big Bend where? A. It was up on the Arkansas.
Q (Com'r Meeules) Cherokee Nation? A. It was Cherokee Nation then.
(W.W.Hastings) It was then? A. Yes sir.
Q Where was Delilah born? A. On the Arkansas River.
Q Which is the older she or Charley? A. Charley.
Q How much older is Charley? A. Oh, I dont know just exactly between two or three years.
Q Where was Connley Smith born? A. He was born up on Bird Creek.
Q Is he older or younger than the other two? A Yes, is the oldest child
Q Where were you living when the war come up? A. I was living at the Big Bend.
Q Were you then a slave? A Yes sir.
Q Whom did you belong to? A. I belonged to Lewis Melton.
Q Did Lewis Melton ever live in the Big Bend of the Arkansas? A. No sir
Q Well who were you ever living with out there? A. I was living with my husband.
Q Had you been [illegible] Yes sir.
Q How long had you been away from your owner? A About four years.
Q Had you been living out there in the Big Bend all that time? A. Yes sir.
Q You didn't go to Arkansas? A. No sir.
Q Never left outside of the Cherokee Nation? A. Well if you call the strip on one side of the Arkansas River that is where I was.
Q What were you doing in those four years? A. I was [illegible].
Q How did you make your living? A. My husband was a hunter and I had friends up there that fed us.
Q What friends [illegible] A. Bill Watson and Skiatook.
Q Skiatook who? A. That is all I know I know about him.
Q Was he full blood? A. He was a Cherokee.
Q Full blood? A. I guess he was, he [illegible]
Q He fed you do [illegible] A. Yes sir.
Q Who else? A. Wiley Butler.
Q Was he a Cherokee? A Yes sir.
Q Did father Wiley Butler or Skiatook have any family? A. [illegible] or had but his wife was dead.
Q Is any of his family alive now? A. I dont know sir.
Q Is any of Skiatook's family living? A. I dont know.
Q Did you work for any people out there? A. No sir, you know I was not working for anybody out there in Indian.
Q What was Dude Webber doing out there? A He was herding [illegible] out there.
Q What was his Distresses name? A. I didn't know what his Distresses name [illegible] Distresses and I can tell you others that was out there.
Q What was his Distresses name? A. I didn't know what his Distresses name [illegible] A. It was right on the [illegible] road.
Q How far were you from her now [illegible] A. No sir.
Q [illegible] you have [illegible] A. Yes sir, I [illegible]
Q Just lived out in the woods four years? A. Yes sir, I [illegible]
Q On what side of the river? A. I lived on the west side.

Q Any towns near? A. Not as I know.
Q You never heard of any town? A. No sir, and I never wanted to se any at that time.
Q What was your husband's name? A. Louis Vann in [illegible]
Q He was out with your? A. Yes sir.
Q Well after the war closed did you come back? A I come right down the river.
Q In a wagon? A. I came back in a wagon.
Q From what point? A. From the Big Bend.
Q Who brought you? A My husband brought [illegible].
Q Just you and your husband? A. And my children.
Q Where did you go to? A. When I [illegible] back I came down on Pryor creek.
Q Is that below here? A. I dont know whether it is below [illegible], I think it is below here.
Q You know where Pryor creek is,it runs over about 20 [illegible] I dont so know what part of Pryor Creek? A I come down on Pryor creek to Mr I cant call his name just now.
Q Well how far from Chouteau? A. I dont know sir, how far it was from Chouteau.
Q What town was your nearest town? A. When I came back?
Q Yes? A Wasn't any town there at all when I came back.
Q Dont remember who you lived with there? A. I didn.t live with anybody but my husband.
Q Did you make a place down there? A No sir, I just went down there to my mother.
Q What was your mother's name? A. Sarah Ross.
Q How long did you stay there? A. I staid there two or three weeks and went to the Cherokees.
Q And how long was that after the war you made this first trip to Pryor creek? A I cant tell you just exactly how long that was.
Q Was that the first trip you made here? A My mother was living at Tahlequah the first trip I made down here I went to Ben Grimmetts
Q Where was Ben Grimmett living then? A. He was living on Pryor Creek
Q Did all of your family go with you? A. Yes sir, didn.t have any family but my children.
Q And your husband? A. Yes sir.
Q He went with you? A. Yes sir.
Q In a wagon? A. Yes sir.
Q Where did you get this wagon? A. I dont know he went out and got it
Q You didn't it there during the war? A No sir, you hver seen negroes have wagons and horses about when they [illegible].
Q I am asking you where he got it? A. My husband got it and he went out and got it.
Q This first trip is when you came down to Ben Grimmetts? A Yes sir
Q How long did you stay? A. I staid [illegible].
Q How long did you stay? A. I went back to my home.
Q How long did you stay there? A. I dont know exactly [illegible] I staid [illegible] I went back.
Q Well did you stay there a year? A. I might staid [illegible] longer than a year.
Q That was after the war? A. Yes sir.
Q Did you see anybody on your trip down to Ben Grimmetts? A I seen some Indians but I didn.t stop to have any [illegible] them.
Q Didn't see any white [illegible].
Well who? A. I didn't stop
Q Where did you see any horses, A Also, he [illegible] money, dont.
Q [illegible], that is up by Bird [illegible]? A Yes sir.
Q Houses along there. A. Yes sir.
Q People living in them? A Yes sir, I seen some children
Well now,when [illegible] to take your wife [illegible] returned there?
A The last time?
Q Yes? A I went down to Pryor Creek,[illegible] I went [illegible].
Q And then how long did you stay down there? A I staid there about two or three years.
That was two or three years after the war? A. I said weeks, weeks is weeks and years is years.

Q About how long after the war was that when you went down to visit your mother? A. Well, I dont know just exactly, I think it was about two or three years.
Q That is your best judgment? A. To the best of my judgment.
Q You stay there then two or three weeks did you? A. Yes sir.
Q And then where did you go? A. I went back to my place on the Verdigris.
Q Was your husband alive then? A. Yes sir.
Q Did he move up on the Verdigris with you? A. Yes sir.
Q Where did he die? A. He died at Pryor creek.
Q When? A. About five or six months after we gotin.
Q And you afterwards married Nelson Murrell? A Yes sir.
Q Is any of that family, Melton's family, alive that you belonged to before the war? A. There was, I guess you have my young mistress before you, Nancy Sage.
Q Is she your young Mistress? A. Yes sir.
Q Was she the daughter of Melton? A. Daughter.
Q Did he have any other children? A. Oh yes, he has a house full.
Q What was their names? A. Betsy, Nan, Mary, and Catherine, and George Ann, Mase and Susie.
Q Where were they living when you run away? A. Verdigris.
(By Com'r Needles)
Q Flora, what was your father's name? A. Stanley Brown.
Q What was your mother's name? A. Sarah Brown.
Q Were you a slave? A. Yes sir.
Q Where is this Big Bend you have been talking about? A. Up on the Arkansas river.
Q Is it in the Cherokee Nation or Kansas? A. In the Cherokee Nation.
Q Is it on what is known as the Cherokee Strip? A No sir, what is what is known as a Cherokee strip as I understand it.
Q That was in the Cherokee Strip? A. Yes sir.
Q This slave was in the Cherokee Nation? A. Yes sir.
Q You never went over to Kansas hiding? A. No sir.
Q You say you went there three or four years? A. Yes sir I run away four years before the war.
Q Did your owner ever hunt you up I mean they did, they had a reward out for us.
Q They never found you? A. No sir.

(Examination taken by stenographer H. D. Green.)

I, [illegible] first duly sworn, state that as stenographer [illegible] the commission to the Five Civilized Tribes, I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of the stenographic notes thereof.

(Witness) (J. [illegible])

Subscribed and sworn to before me this [illegible] day of June, 19[illegible].

(Notary) [illegible]

[illegible]

Statement of [illegible] stenographer J.O. Robson this day.

Department of the Interior
Commission to the Five Civilized Tribes.
Checkers, I. T. June 6, 19[illegible]

In the matter of the application of Nelson [illegible] for enrollment of himself and wife, Flora, as freedmen. Before [illegible] examined by Commissioner Needles, testified as follows:
[illegible] Smith, of [illegible] Cherokee Nation.
W. W. Hastings, for the Cherokee Nation.

Q What is your name? A. Bob Webber.
Q Where do you live? A. On Lightning creek.
Q In what district? A Cooweescoowee district, Cherokee Nation.
Q What is your post office? A Hayden.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q How old are you? A. Must be about 65.
Q Do you know Flora Murrell? A Yes sir.
Q How long have you known her? A. I have known her ever since I was a boy.
Q You knew her before the war? A Yes sir.
Q Do you know whether she was a slave or not? A. Yes sir.
Q Do you know who she belonged to? A. Lewis Welton.
Q Was he a Cherokee Indian? A Yes sir.
Q A citizen of the Cherokee Nation? A. Yes sir.
(Examined by Cherokee representative, W.W.Hastings)
Q How long before the war did you know her? A. Long time, ever since I was a boy.
Q You knew her when the war came up? A. Yes sir.
Q Where was she then? A. She was out on the Big Bend of the Arkansas
Q Were you out there then? A. I was out there, just before the war.
Q How long before the war? A It must have been four years before the war.
Q That's the last time you saw her? A. Yes sir.
(Examined by Attorney Smith)
Q When did you first see her after the war? A. I met her down here on Grayson's creek after the war.
Q How long after? A. It must have been about four years after the war
(Examined by Com'r Needles)
Q Did you know her owner? A Lewis Welton, yes sir, he had a mill down below Lawrence, and I used to go to the mill.
Q He was Flor's owner? A. Yes sir.
Q Did you see her there then? A. Yes sir.
Q Did you see them on Big Bend before the war? A. Yes sir.
Q How far was that from her owner's place to Big bend? A About twenty miles.
Q Was she living there on the Big Bend? A Yes sir she was living.
(Examined by Cherokee representative, W. W. Hastings)
Q Living in a house? A No sir, she was in no house.
SAM WEBBER being sworn by Com'r Needles, testified as follows: (Examined by Attorney Smith)
Q What is your name? A. Sam Webber.
Q What is your post office? A. Howard.
Q How old are you? A. About 58 or well as I can guess at it.
Q Where do you live? A. I live two miles west of Howard.
Q How long have you lived in the Cherokee Nation? A. I was born in the Nation, have lived in the Nation 66 or 67 years and have been ever since.
Q You know Flora Murrell, the wife of Lewis Welton? A. Yes sir.
Q How long have you known her? A. Ever since I could know myself
Q Was she a slave before the war? A. Yes sir.
Q To whom did she belong? A. Lewis Welton.
Q Was he an Indian? A. Yes sir.
Q When did you first see her before the war, how long before the war?
A Well just a little time before the war, we went up to where they lived. They had a patch up there, my old [illegible] and [illegible] up there [illegible].
Q Your mother had a patch? A. Yes sir.
Q How far did you live from there? A. We lived near Tahlequah at the Double Springs. We would come up there to XXXXXX every year to gather up [illegible].
Q How far do you live from there? A. I don't know exactly, it would take us about two days travel [illegible] I don't know exactly.
Q Where was this you saw Flora when you saw her? A. [illegible]
Q Yes? A She was in the Big Bend of the Arkansas.
Q How far was that from where Lewis Welton, her owner, lived? A. [illegible] or twelve miles, I guess, maybe [illegible], I don't tell exactly.

Q That was the last time you saw her? A. Yes sir.
Q When did you first see her after the war? A. I dont know just what year really, but then it was along some three or four years I judge after the war when I met her again.
Q Where did you see her again? A. On Big Creek here.
Q How far from here? A. It is about nearly 15 miles I judge.
Q Who did she come there with? A. Man named Lowan Vann.
Q What relation did he bear to her? A. He was her husband.
(Examined by Cherokee Representative, W.W.Hastings
Q How old are you? A. I am about 58, as near as I could remember, I dont know exactly my age.
Q You were about 17 years old when the war come up? or 18? A I was big enough to ride around and herd cattle.
Q Who went up there to this ranch with you? A. Bob Webber and Dugh Webber.
Q Bob was along at the time you saw this party, this Bob that was a witness here awhile ago? A. Yes sir, he was older than I was.
Q He would know dates better than you would about that time? A. I dont know about thay.
Q You didn't tell anybody about seeing this party up there, this woman? A I was afraid to.
Q You didn't tell your owners? A. No sir.
Q You didn't tell your people? A. Told my parents.
Q But you didn't tell anybody else about seeing her up there? A No sir
Q You didn't testify for her five years ago, you didn't tell it then did you? A. No sir.
(Examined by Com'r Needles)
Q You knew she was a runaway? A. Yes sir, I knowed that all right enough.
Q But you didn't go and tell her owners where she was? A. No sir.

Com'r Needles- Nelson Purnell applies for the enrollment od himself and wife, Flora; they are both duly identified on the Kern-Carter roll and the Wallace rolls; but they cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; they make satisfactory proof as to residence, by reason of the fact that their names are not upon the authenticated roll of 1880, and because of the protest of the Cherokee Nation, said Nelson Purnell and his wife, Flora, will be duly listed for enrollment as Cherokee Freedmen on a doubtful card; they will be duly notified by mail of the decision of the Commission when arrived at.

=

L.T.Green, being first duly sworn states that as stenographer to the Commission to the five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) L. T. Green

Subscribed and sworn to before me this June 8, 1901.

(Signed) T. B. Needles

Commissioner.

§§§

CHEROKEE FREEDMAN. ~~2943~~

20 1458

IN RE

Application for Enrollment of

INFANT CHILD

Nelly Smith

as a citizen of

CHEROKEE Nation

Approved, [illegible] 190[illegible]

[illegible]

Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 5 1901

[illegible]

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE, Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Nelly Smith (Here insert name of child), born on the day of , 1

Name of Father: Sonny Smith, a citizen of the Cherokee Nation.

Name of Mother: Hattie Smith, a citizen of the N S ~~Nation~~.

Post-office, Collinsville I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, Hattie Smith, on oath state that I am 30 years of age and a citizen, by Adoption, of the Cherokee Nation; that I am the lawful wife of Sonnie Smith, who is a citizen, by Blood, of the Cherokee Nation; that a male (male ~~or female~~) child was born to me on the 9 day of Nov. 1895 that said child has been named Nelly Smith, and is now living.

WITNESSES TO MARK (Must be Two Witnesses) H. H. Roper, Berry Petty

x Hattie Smith

Subscribed and sworn to before me this 29 *day of* Aug *1901.*

Com Ex Nov. 17/1902. J. A. Roper NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, Sonnie Smith, a , on oath state that I attended on Mrs. Hattie Smith, wife of Sonnie Smith, on the 9 day of November, 1895 that there was born to her on said date a Male (male or female) child; that said child is now living and is said to have been named Nelly Smith

his Sonnie x Smith mark

WITNESSES TO MARK (Must be Two Witnesses) H. H. Roper, Ruth Hughes

Subscribed and sworn to before me this 29 *day of* Aug *1901.*

J. A. Roper NOTARY PUBLIC

CHEROKEE FREEDMAN. D 1458

20

IN RE

Application for Enrollment of

INFANT CHILD

Mladyz Smith

as a citizen of

CHEROKEE Nation

Approved SEP 6 - 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 6 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Gladys Smith (Here insert name of child), born on the day of , 1

Name of Father: Sonny Smith, a citizen of the Cherokee Nation.

Name of Mother: Hattie Smith, a citizen of the N.S ~~Nation.~~

Post-office, Collinsville I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
District.

I, Hattie Smith, on oath state that I am 30 years of age and a citizen, by Adoption, of the Cherokee Nation; that I am the lawful wife of Sonnie Smith, who is a citizen, by Blood, of the Cherokee Nation, that a female (male or female) child was born to me on the 4 day of Feb. 1898; that said child has been named Gladys Smith, and is now living.

her
Hattie Smith
mark

WITNESSES TO MARK
(Must be Two Witnesses)
H. H. Roper
Berry Petty

Subscribed and sworn to before me this 29 *day of* Aug *1901.*

Com Ex Nov 17/1902 J. A. Roper
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, Sonnie Smith, a , on oath state that I attended on Mrs. Hattie Smith, wife of Sonnie Smith, on the 4 day of Feb, 1898 that there was born to her on said date a Female (male or female) child, that said child is now living and is said to have been named Gladys Smith

his
Sonnie Smith
mark

WITNESSES TO MARK
(Must be Two Witnesses)
H. A. Roper
Rosie Hughes

Subscribed and sworn to before me this [illegible] *day of* Aug *1901.*

J. A. Roper
NOTARY PUBLIC

CHEROKEE FREEDMAN. ~~D429~~

20 1458

IN RE

Application for Enrollment of

INFANT CHILD

Floyd Smith

as a citizen of

CHEROKEE Nation.

Approved, [illegible] 190[illegible]

[illegible]

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 5 1901

[illegible]

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Floyd Smith (Here insert name of child), born on the day of , 1

Name of Father: Sonny Smith, a citizen of the Cherokee Nation.

Name of Mother: Hattie Smith, a citizen of the U S. ~~Nation.~~

Post-office, Collinsville I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, Hattie Smith, on oath state that I am 30 years of age and a citizen, by Adoption, of the Cherokee Nation; that I am the lawful wife of Sonnie Smith, who is a citizen, by Blood, of the Cherokee Nation; that a male (male or ~~female~~) child was born to me on the 21 day of Jany 1900, that said child has been named Floyd Smith, and is now living.

WITNESSES TO MARK (Must be Two Witnesses) { H. H. Roper, Berry Petty

x Hattie Smith

Subscribed and sworn to before me this 29 *day of* Aug *1901.*

Comm. Ex nov 17/1902 J. A. Roper NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, Sonnie Smith, a , on oath state that I attended on Mrs. Hattie Smith, wife of Sonnie Smith, on the 21 day of Jany, 1900, that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Floyd Smith

his Sonnie x Smith mark

WITNESSES TO MARK (Must be Two Witnesses) { H H Roper, Jane Hughes

Subscribed and sworn to before me this 29 *day of* Aug *1901.*

J. A. Roper NOTARY PUBLIC

CHEROKEE FREEDMAN. D929 1458

20

IN RE

Application for Enrollment of

INFANT CHILD

Carrie Smith

as a citizen of

CHEROKEE Nation

Approved, SEP 6 - 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 6 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Carrie Smith, born on the day of , 1

Here insert name of child.

Name of Father: Sonny Smith, a citizen of the Cherokee Nation.

Name of Mother: Hattie Smith, a citizen of the N. S. Nation.

Post-office, Collinsville I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY, District.

I, Hattie Smith, on oath state that I am 30 years of age and a citizen, by Adoption, of the Cherokee Nation; that I am the lawful wife of Sonnie Smith, who is a citizen, by Blood, of the Cherokee Nation; that a female child was born to me on the 21 day of Jany 1900 that said child has been named Carrie Smith, and is now living.

Hattie Smith

WITNESSES TO MARK.
(Must be Two Witnesses)
H. H. Roper
Berry Perry

Subscribed and sworn to before me this 29 day of Aug 1901.

Comm Exp Nov. 17/1902

J. A. Roper
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY District.

I, Sonnie Smith, a , on oath state that I attended on Mrs. , wife of , on the 21 day of Jany, 1900 that there was born to her on said date a female child; that said child is now living and is said to have been named Carrie Smith

his
Sonnie x Smith
mark

WITNESSES TO MARK.
(Must be Two Witnesses)
H. A. Roper
Florie Hughes.

Subscribed and sworn to before me this 29 day of Aug 1901.

J. A. Roper
NOTARY PUBLIC

COM
D
SEP 19

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, AUG 26 1901, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of [illegible] for enrollment as Cherokee Freedmen.

[illegible]
Attyg for applicants

Cher Cherokee Freedmen #[illegible]

F D. 923

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 190..

Given under my hand this .....

day of ..... A. D. 190

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

..... day of ....., 190..

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the day of ..... A. D. 190

Subscribed and sworn to before me this .....

.....

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 21 1901

NOTICE!

IN THE MATTER OF the application of Sonny Smith
for enrollment as Cherokee citizens
Case No. D 923

To Sonny Smith or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 19th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 9 20 1901

Attorneys for the Cherokee Nation.

File with Cherokee Freedman D-[illegible], Sunny Smith et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 19, 1901.

In the matter of the application of Nelson Murrell et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of Cherokee Nation.

Appearances:
Mellette & Smith, of counsel for applicants;
J. C. Davenport, of counsel for Cherokee Nation.

R. M. ALLEN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A R. M. Allen.

Q Where do you live, doctor? A I live north about a mile of Coody's Bluff, when I am at home.

Q What is your postoffice? A Coodys Bluff.

Q How long have you lived in the Cherokee Nation? A Ever since 1868.

Q Where did you live prior to coming to the Cherokee Nation? A I was in Baxter Springs.

Q When you came to the Cherokee Nation in '68 to what point did you come? A Down on what is known as the Journeycake Prairie.

Q Are you a citizen of the Cherokee Nation? A Yes, sir, so recognized.

Q By blood? A By adoption, or marriage.

Q To a Cherokee? A To a Delaware.

Q Now did you come to the Cherokee Nation before or after the Delawares came down here? A Afterwards.

Q Do you know the applicant in this case, Nelson Murrell? A Well I met the old gentleman to-day, that is the first acquaintance that I have with him.

Q Where were you in '68 after you came down to the Cherokee Nation, what section of the country? A I was on the Journeycake Prairie, boarding with old man Journeycake.

Q How far was Journeycake living south of the Kansas line at that time? A Said to be about 24 miles.

Q Well was you out over that country or back and forth to the Kansas line any in the neighborhood or vicinity of Snow Creek?

A Yes, sir.

Q Who was living along near Snow Creek at that time? A The last house going to Snow Creek from Journeycake's was this man Little Buffalo.

Q What was he? A He was a Delaware.

Q Where was the first one, or how many houses along there? A When you left old man Journeycake's, the first house would be the Widow Goodtraveler, and the next would be Jim Wilson, the next house a man by the name of John George lived there, and the last house right on the road was a man by the name of xxxxxx Little Buffalo.

Q Were you out over the country around Snow Creek during that year?

A What year, '68?

Q Yes, that is the year you said you came down? A No, I don't think I was any that year.

Q Well, was you the next year? A Yes, in the fall of '69 I made a trip to the Kansas line.

Q To what point in Kansas did you go? A Well they were going to build this town called Parkersburg, and I went up there, thought maybe I would buy some lots, me and old man Journeycake and one Daniel B. Hicks, and we went right up the Verdigris Valley.

Q On what side? A East side, and I crossed Snow Creek right

where it ran into the river, there was a man lived there, or was living there the last time I was there, by the name of Singleton, I didn't know him.

Q Now how from the Kansas line is it to where Snow Creek empties in'o the Verdigris River, or about how far? A I don't know, four or five or six miles, I don't know how far, it is not a great ways.

Q Do you know whether or not Snow Creek heads in the Territory or Kansas? A I have heard it said it did, but I never followed it.

Q You never saw the applicant, and have been acquainted with him?

A I don't remember the old gentleman till to-day I met him and some man introduced me to him, Sam Webber I believe.

Q Was there any colored people living there on Snow Creek? A I didn't see any on that trip.

Mr. Smith. What did you say your name was? A Allen.

Q Doctor Allen? A Yes, sir.

Q Are you a physician? A Yes, sir.

Q Physician and surgeon? A Yes, sir, I followed it a while, I graduated at the Rush Medical College in Chicago in 1865.

Q Well do you practice medicine out there now? A Well just a little, not much.

Q You went there when? A I landed at old man Journeycake's house on the 25th of July, 1868.

Q Is that on Snow Creek? A No, sir.

Q How far was that from Snow Creek? A Fifteen or twenty miles.

Q Then how long was it from that time until you were on Snow Creek?

A I went on Snow Creek in the fall of '69.

Q How long is Snow Creek? A I don't know.

Q Well, did you go all up and down Snow Creek from one end to the other? A No, sir, crossed Snow Creek, didn't go up nor down it.

Q Then where were you going to? A I was going to the Kansas line where they were going to built that down called Parkersburg.

Q Did they built it? A They did, afterwards.

Q How long afterwards? A The next time I was there they had quite a town there.

Q How long was that? A Might have been a year or eighteen months, might be not so long, I think I went up there, if I remember right, the 28th day of May, the next spring.

Q Well, did they have any town there when you went there the first time? A No, sir.

Q Did they have any town laid out? A I saw some lumber along down there.

Q Did they have any ~~xxxxxxxxxxxxxxxx~~ plat, town plat? A I never heard of it.

Q Didn't you inquire? A Yes, I inquired about it, but I couldn't find any man that would give me sufficient news about it to purchase any lots.

Q Did you buy any lots? A No, sir, I didn't.

Q Did you ever buy any in Parkersburg? A No, sir, never did.

Q What did you go back for the second time? A Well sir, the next time, next May I thought I would go back and buy my household utensils.

Q Did you buy them? A I did.

Q How far was it from Journeycake's where you started to Parkersburg? A Oh it is 25 or '6 miles.

Q And in what direction was Parkersburg from Journeycake? A Well sir, it is north, and I believe a little west.

Q How far was Parkersburg from the Kansas line? A Well, they didn't know where the line was in that day.

Q They didn't know? A Not then they didn't.

Q How far is it from where the Kansas line is now? A Well I suppose three or four miles, I never heard anybody say.

Q Now you started in the fall of 1869 from Journeycake's, did you?

A Nox, sir.

Q Where did you? A I started from home.

Q Where did you live? A I lived up at Coodys Bluff.
Q How far was that from Journeycake's? A About four miles.
Q In what direction from Journeycake's? A North.
Q Then you started from four miles north of Journeycake's in the fall of '69 to go to Parkersburg? A Yes, sir.
Q How did you travel? A I went horseback.
Q And was there a road to travel? A No, there was no road.
Q Wasn't any road? A No, I didn't follow any road.
Q Then did you cross Snow Creek? A Yes, sir, I crossed it.
Q Once or more than once? A I only crossed it once going up.
Q And once coming back? A Yes, sir.
Q Where did you cross it? A I crossed it going up tolerably close to the river at a place where a fellow named Singleton lived afterwards.
Q Well, how far was that from the Kansas line? A I don't know, four or five miles I guess, I think Snow Creek is about that distance from the Kansas line.
Q Well, it is not the same distance from the Kansas line all the way along, is it? A I don't know, I never followed up the Creek.
Q You don't know anything about the community below where you crossed or above where you crossed? A No, sir.
Q All you know is just the place you crossed? A Yes, sir, where I crossed at.
Q Well traveling in the direction that you were going you came right into right angles with the Creek? A I kept right up the river valley on the east side of the river till I struck the creek.
Q And crossed the creek? A Yes, sir.
Q You didn't have to follow the Creek? A No, I didn't follow the Creek.
Q You just simply crossed Snow Creek in 1869? A Yes, sir.
Q Well now then you are not prepared to say that this applicant, Nelson Murrell, wasn't living on Snow Creek in '69? A I am prepared to say I didn't see any houses nor farms in the travel.
Q But you say you only touched Snow Creek at one point? A That is all.
Q And there wasn't any houses right there? A Wasn't any houses in sight, I didn't see any houses.
Q Up or down the Creek? A No, sir.
Q If there had been a house a quarter of a mile up the Creek or a quarter of a mile down the Creek you couldn't have seen it?
A Yes, sir, if a house had been out on the Prairie a quarter of a mile from me them days I could have seen it.
Q Under favorable conditions you could have seen it? A Yes, sir.
Q That is all you know about this matter, is it? A Yes, sir.

SIMON LOVE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Simon Love.
Q Where do you live? A Claremore.
Q How long have you lived in the Cherokee Nation? A Ever since '68.
Q Are you a Cherokee or a Delaware Indian? A Delaware.
Q Did you come to the Cherokee Nation before or after the treaty made with the Delawares and Cherokees? A After.
Q What was your father's name? A My stepfather's name was Buffalo.
Q Well, did he have any English name? A Little Buffalo they called him.
Q Did your father move to the Cherokee Nation when you did, or was you a child at that time and came with him? A I came with my stepfather and mother.
Q What was your stepfather's name? A Little Buffalo.
Q Well, when you came to the Cherokee Nation, to what point in the Cherokee Nation did you come? A We came on Cedar Creek, about

fifteen miles from Coffeyville, Kansas.

Q On what side of the Verdigris River did you locate? A The east side.

Q How far from what is known as Snow Creek? A Six or seven miles I should judge.

Q Do you know, and did you know at that time, where Snow Creek empties into the Verdigris River? A Yes, I don't know exactly where it empties, then.

Q Had you ever been on Snow Creek? A Yes, sir, I had been on Snow Creek, but I had not been to the mouth of the Creek.

Q When you located in '68 on Cedar Creek did you make any trips or anything up and around Snow Creek? A Yes, sir, we used to go up Snow Creek going to ~~[illegible]~~ up there on Pumpkin Creek in Kansas, we did our trading up there, a man by the name of Lushbaugh kept a store.

Q Who was living on Snow Creek at that time? A I don't remember that there was anyone living there.

Q Was there any houses there? A There was one house there that I can remember, a carbenter that built our house lived there, a man named Baker, in the fall of '68 he built our house.

Q Do you know the applicant in this case, Nelson Murrell? A Yes, sir.

Q Well, how long have you known him? A I just can't tell how long.

Q Do you know where he lives now? A Yes, sir.

Q Well where does he live now in regard to where that fellow Baker lived at that time, how far? A ? A He was right south, right at the edge of the flat, Snow Creek and Verdigris flat is where Baker lived when I went after him to come and build our house; I think that was in the fall of '68.

Q Where does the applicant live with reference to that? A Right north of it.

Q About how far? A I can't tell you how far.

Q Do you know how far; that is what I am trying to get at; have you ever been to his house? A No, sir, never was at his place.

Q You don't remember then how long it has been since you knew this applicant, Nelson Murrell? A No, sir, don't remember.

Q Well, was there any colored people living around that section of the country that you saw when you went up to Baker's? A No, sir.

Q Did you ever got acquainted with a family of Littles, Steve Little's family? A Yes, sir.

Q Where were they living? A Living on Snow Creek.

Q What part of Snow Creek with reference to where it empties into the Verdigris River? A I should judge about three quarters of a mile or a mile I should judge of the mouth; of course I have never been to the mouth of Snow Creek.

Q When did they come in there and locate, if you know? A I don't know when they came in.

Q Well, how long have you known that family? A Well I have known them quite a while.

Q Well, did you get acquainted with them immediately after you came in there? A Yes, sir.

Q Well, where were they living with reference to the locality of where Baker was living, when you got acquainted with the Little family? A They lived southeast of where Baker lived.

Q Well, did they live nearer the river than Baker did, or further away from the river than Baker? A I think they lived a little further away, a little ~~further east~~.

Q How long sinde you have been in that locality? A I havent been in there quite a while, I don't know really.

Q I believe you stated you came down after the Delawares made the treaty with the Cherokees, or before, which was it? A Afterwards.

Q Did you come the same time the Delawares came, or did your father move the same time they came? A Same time, his was the first train that came down.

Mr. Smith: Mr. Love, you and your family were among the first

Delawares that came to the Cherokee Nation after the Delawares made the treaty with the Cherokee Nation? A Yes, sir.

Q And you have lived in the Cherokee Nation ever since? A Yes, sir.

Q You are a citizen of the Cherokee Nation? A Yes, sir, only what time I have been out to school I didn't live here.

Q Well now at what place did you locate when you first came here, your family? A Right near the mouth of Cedar Creek.

Q How far was that from the Kansas line? A On a straight line about eleven or twelve miles.

Q What direction? A South.

Q Into what stream did Cedar Creek empty? A The Verdigris.

Q Into what stream did Snow Creek empty? A The Verdigris.

Q Were you ever at the place where Snow Creek empties into the Verdigris? A No, sir, I never was right at the mouth of the Creek.

Q About how far north of the mouth of Cedar Creek was the mouth of Snow Creek? A Well straight through, it is about seven or eight miles.

Q The way the roads ran how far was it? A I should judge about that, the road ran pretty straight through.

Q Well, did you have a house to live in when you first came there?

A No, sir

Q What season of the year did you come to the Nation? A February.

Q When did you get a house? A Gots house the next fall; that is, a man built our house.

Q How old were you when you came here? A I was about 15.

Q Where did you remain during the months from February until you got your house built the following fall? A Right there at home.

Q Now you know this old man Nelson Murrell? A Yes, sir.

Q And you have known him a long time? A Quite a while, I can't remember just what time.

Q A great many years? A I can't remember how long.

Q Been so long you can't remember when you first did know him?

A Been fifteen or twenty years.

Q Been longer than that, hasn't it? A I don't think it has.

Q How long has it been since you first came down here? A I came here in '68.

Q Well, how many years? A 33 years.

Q Well now about how long have you been knowing old man Nelson Murrell? A I should judge about fifteen or twenty years; when my mother died I left there, went to old Mrs. Connor's.

Q How many years was that after you came down to the Cherokee Nation, that you went to Connor's? A About '71.

Q About that? A Yes, sir.

Q You had been in that Cedar Creek country then only two or three years when you left there? A Yes, sir, that was all.

Q You were still a boy when you did leave? A Yes, sir.

Q Now you didn't go, while you were up there, to the mouth of Snow Creek, where it empties into the Verdigris? A No, sir.

Q You know how long Snow Creek is? A No, sir.

Q You know how far it is from the mouth of Snow Creek to the point where Snow Creek enters Kansas, or the Territory from Kansas? A No, I have no definite idea, about five or six miles though.

Q You don't know; you never were up the Creek then from the mouth of the Creek up to the Kansas line? A Only right there along the road where I crossed Snow Creek.

Q Now where would you be going when you would cross it? A Well, up into Kansas.

Q To what point? A A place they called Clymore, on Pumpkin Creek, a trading point, or post.

Q Now what was the nearest town of any note to you in the Cherokee Nation, store or postoffice, or anything of that sort? A There was none.

Q How far did you live from the mouth of Cedar Creek? A About a

mile, not quite.

Q Then you were about a mile from the Verdigris? A Yes, sir.

Q And about a mile from the place where Cedar Creek enters the Verdigris? A West of where it enters the Verdigris, it makes a bend there.

Q When you had to go to Kansas, what direction did you travel?

A North.

Q In what direction did Snow Creek run? A Well I think it ran northeast, that is, it headed northeast and ran southwest I think.

Q Well, it was more or less of an east and west course, wasn't it now? A Yes, sir, southwest and northeast.

Q Well did you go anywhere else, have occasion during the time you lived there to go any other place except Clymore in Kansas?

A Well I went after that carpenter that built the house.

Q I mean outside of the carpenter and Clymore? A No, sir.

Q So when you went to Clymore you crossed Snow Creek? A Yes, sir.

Q Do you know how far you crossed it from the mouth? A I judge about a mile and a half, it is what they call now the Reed Crossing, Luman Reed Crossing.

Q Now do you know how far that is from the mouth of Snow Creek?

A I should judge about a mile and a half or two miles.

Q Or two, and might be farther? A Might be, I don't know where the mouth is, I never was at the mouth of Snow Creek.

Q Now then when you were traveling from where you lived to Clymore, you just simply came to Snow Creek and crossed and when you came back you would come to it again and cross it? A Yes, sir.

Q Now then you can't swear Nelson Murrell didn't live on Snow Creek at the time you crossed it? A I didn't see any houses.

Q You can't swear he didn't live there? A No, I can't.

Q You can't swear there wasn't a house there? A I don't think there was a house there.

Q Except at the place you crossed? A There wasn't any houses there.

Q How about a mile up the creek or a mile down the creek? A That I can't tell.

Q You don't know, do you? A No, I don't think there was any houses.

Q Don't think, I want to know what you know; can you state upon your oath that there wasn't a house a mile up the creek or a mile down the Creek? A No.

JOHN SECONDINE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A John Secondine.

Q Where do you live? A Up at White Oak.

Q That your postoffice? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A I believe I have lived here about 34 years; since '68.

Q What is your nationality, are you a Cherokee or Delaware? A I am a Delaware.

Q Did you come to the Cherokee Nation before or after the treaty was made with the Cherokee Nation and Delawares? A Well I came here a year before they moved down here.

Q Well, what year was that in? A When I first came here, that was in '67, in August.

Q Well, when you came to the Cherokee Nation in '67 in August, to what point did you come? A Well we came up there about Snow Creek.

Q Well, what part of Snow Creek? A I guess it must have been about three miles above the mouth of Snow Creek.

Q Who was living there at that time, if anyone? A Well I didn't see anybody living there at all.

Q How long did you stay there? A Well, we stayed there as much

as a week or ten days somewhere along there.

Q Was there any houses around there? A No, sir.

Q Well, were you up and down the Creek any, or did you just camp and stay in one place? A We, we looked all around the country there, we came down here to find locations to settle on, we went up and down the Creek, in fact we traveled all around the country there looking at the country.

Q Any houses at all that you found; if so, where were they and who was living in them? A No, sir, never saw any houses.

Q Were you down the Creek to where it empties into the Verdigris?

A Yes, sir.

Q You went up the Creek above where you camped, did you not, towards the Kansas line? A Went up pretty near the head of the Creek, it is pretty much all prairie up there.

Q Do you know the applicant here, Nelson Murrell, that old gentleman (indicating applicant)? A I have seen him.

Q Was he living there on Snow Creek when you were down there in '67? A I didn't see him, I didn't see anybody, there was no settlement there.

Q You went up and down the Creek you say? A Yes, sir, there was no settlements there.

Mr. Smith: You live out here close to Vinita now? A Yes, sir, I live at White Oak.

Q About how long have you been living there? A I have been living there 16 years I believe.

Q You related in any way to Journeycake? A Yes,,sir.

Q What relation? A Second cousin I believe.

Q How far did you live, when the Delawares first came down in the Cherokee Nation, from Journeycake's? A I lived six miles above, north.

Q Six miles north of Journeycake's? A Yes, sir.

Q How far from the Kansas line? A That is about twenty miles, somewhere along there, I guess.

Q How far is it to the town they started up there in Kansas called Parkersburg? A Let's see, I guess it is close onto twenty or twenty-two miles I guess.

Q How far did you live from the Verdigris River? A Lived about three quarters of a mile.

Q What direction, west, or north? A East.

Q How far was that from the mouth of Snow Creek? A It must be about twenty miles.

Q Twenty miles from the mouth of Snow Creek? A Yes, sir.

Q Do you know a family in there by the name of Love? A Yes, sir.

Q Where did they live? A They lived up there below Goosneck Bend, what they call now.

Q Up close to Verdigris River? A Well they were right there in the edge of the bottom, they lived right in the bottom when they first came down here.

Q How far from the Kansas line? A I guess it must be about ten or twelve miles.

Q How far from you? A Oh about 10 miles.

Q In what season of the year did you arrive in the Cherokee Nation?

A Well I think the 9th day of February.

Q Who did you come with; that is, I ean your own immediate family, your father? A No, my mother.

Q Well, where did you live when you first came here; did you have a house? A No, sir, I didn't build any house that spring, after we got here we stopped over until grass came up in the spring of '68.

Q And then built a house? A No, I didn't build any house then, we moved over to Grand River that spring and made a crop over there.

Q How far from this place on Verdigris? A This was on Grand River. it is about forty miles.

Q Now if I understand you, you came on the Verdigris River about '67? A I want you to understand this; we didn't move down in '67,

I came down here to look at the country.
Q Then what did you do? A I went back to Kansas.
Q How long did you stay? A Well, we stayed a year.
Q It took you a year to look at the country? A No, we stayed about two months here.
Q When, in '67? A Yes, sir, two months on the Verdigris.
Q About twenty miles below the mouth of Snow Creek? A No, we stopped up there about ten days on Snow Creek.
Q Well, when did you stop on Snow Creek? A In '67.
Q What time? A In August.
Q In August, '67? A Yes, sir, I don't remember the date, but it was in August.
Q Well, about what point on Snow Creek did you stop? A Well about three miles above the mouth of it.
Q And then you came on down about twenty miles below the mouth of Snow Creek on Verdigris? A Well, we camped on down, we would stop and camp a week or so and then move on down a piece.
Q Then you was coming how long altogether, about two months? A Two months.
Q Then you went back to Kansas? A Yes, sir.
Q How long did you stay in Kansas? A We stayed till - I left there in February, about the first of February.
Q What year, '68? A '68.
Q Where did you go? A Came down here.
Q To Grand River? A No, sir, we came on down the same route we came when we came the first time.
Q How long did you stay in that part of the country where you first came to? A Well about two months.
Q About what time was it when you moved out of that neighborhood?
A It was about along in the first of April, somewhere along there
Q Then did you move to Grand River? A Yes, sir.
Q That was 35 or 40 miles away? A Yes, sir.
Q Were you back in there at any time soon? A I came back again before Christmas.
Q Back in there again? A Yes, sir.
Q Where were you then? A I was over there about Goodys Bluff.
Q Up about Snow Creek? A No, below there.
Q Well, how far is it, do you know, from the mouth of Snow Creek to where Snow Creek enters the Territory, the Cherokee Nation? A Well I can't exactly tell, it is not very far.
Q Well not guessing at it, but stating it from your absolute knowledge, do you know? A How far from the Kansas line; well there used to be two miles, there was a two mile strip there a while back, and the last line they made was, I guess it must be about three miles I guess from the line.
Q You mean the mouth of Snow Creek? A Yes.
Q Then you camped right exactly on the Kansas line? A No, sir.
Q I thought you said you camped three miles from the mouth of Snow Creek? A Up Snow Creek.
Q Well there wasn't any more Snow Creek after it ran into the Verdigris, was there? A No, I guess not.
Q It has to be up Snow Creek if it was anywhere? A Yes.
Q Well you said you camped three miles from the mouth of Snow Creek.
A Yes.
Q Then you were right exactly on the Kansas line, weren't you? A No, I was right east; Snow Creek runs kinder east, kinder of a northeast.
Q Well, wasn't there anybody living on Snow Creek at all? A No, sir, I didn't see anybody to my knowledge, therewasn't anybody living there.
Q Well, there was a carpenter living there that built this fellow Love's house? A The Delawares never moved here till '68.
Q You said you were back there in '68; what I am asking you about,

you were back there in '68, were you on Snow Creek then? A I think I was there.

Q Wasn't anybody living there? A I didn't see any; I didn't stop then, only just I was on the road, I didn't stop to look around like I did the year before.

Q Well you don't know when this carpenter that this other witness got up there to build his house, bhilt his house up on Snow Creek, do you? A No, sir.

Q Can'e say that wasn't there in '68 though, can you? A No, sir, can't sweer it wasn't there.

Q Can't swear it wasn't there in '67? A Well sir I don't believe it was there.

Q You don't believe it was, but you don't know? A Because I didn't see them, there was no settlement there.

Q All you know is you didn't see any houses there? A It would have to be a pretty small house if I didn't see it.

Q Well, they didn't build brown stone fronts, five story houses up there in that time? A No, sir, they built cabins.

Q What was it along Snow Creek, timber or prairie? A There is some timber there.

Q You could stick a little cabin around there most anywhere, couldn't you; well that is all you know about ir, Mr. Secondine, that you didn't see a house there; you can't say that Nelson Murrell didn't have a house there and you can't say he wasn't living there when you first went there, positive, upon that date? A I didn't see anybody and didn't see any houses.

Q But you can't say he wasn't there? A No, I can't say he wasn't there, but I didn't see any houses, and didn't see anybody, no colored people.

HENRY MELTON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport. What is your name? A Henry Melton.

Q Where do you live? A I live up on Snow Creek.

Q How long have you lived up on Snow Creek? A Well I don't know now, I had a man to figure up how long I had been on Snow Creek, I have been on Snow Creek 27 years, the way he figured it.

Q Do you know the applicant here, Nelson Murrell? A Knowed him all the days of my life.

Q Was he living up there when you lived up there? A Yes, sir.

Q Near what place, how far is he living from where Snow Creek empties into the Verdigris? A Go right straight through the flat, it is about two miles I think to the mouth of Snow Creek.

Q Where were you living when the war broke out? A Living on Bird Creek.

Q You know where Nelson was? A Yes, sir.

Q Was he there with you? A No, sir, he was down here to Park Hill.

Q Do you know of your own knowledge, or how do you know where he was when the war broke out? A Yes, sir, I know, because I used to go from Bird Creek down there.

Q How long before the breaking out of the war had you been down there? A I don't know, I can't tell.

Q Well, had it been a year or two years or six months; think you think about it; I want to get the facts there, about how long i had been before the war came on? A I can't tell you.

Q You and Nels belonged to the same man, did you, before the war? A My mistress' daughter married Uncle Nelse's young master, John Nave.

Q Who did Uncle Nelse belong to when he went by the name of Murrell? A George Murrell.

Q Is that the same George Murrell that lived in Virginia part of the time and here part of the time? A I guess that is the one.

I don't know it.

Q I will ask you if it is the same Murrell that lived near Park Hill at the spring, the big spring on the road there going out towards Wagoner from Park Hill? A Yes, sir.

Mr. Smith: I object to that, because it is leading.

Q Did you know Chlora? A Yes, sir.

Q Do you know whether or not she is the wife of Nelson Murrell now? A Yes, sir.

Q Who did she belong to? A Belonged to Lewis Melton, he raised both of us.

Q Where was Chlora when the war came on? A I don't know where she was.

Q Was she there at home? A No, sir, she wasn't here when the war broke out, she went off.

Q Well, did she just go off of her own accord, or do you know about that? A No, she run off.

Mr. Smith: This Chlora Murrell was owned by the same man that owned you, you say? A Yes, sir.

Q What was his name? A Lewis Melton.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q And he was living in the Cherokee Nation at the time the war commenced? A Yes, sir.

Q And Chlora Murrell had run away from him and you don't know where she was? A Don't know where she was.

Mr. Davenport: Do you know who she run off with? A Yes, sir, my woman will tell you that.

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Taking of testimony continued by Stenographer J. O. Rosson.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of November, 1901.

Commissioner.

[illegible] 00 [illegible] 00 [illegible] 00

October 19th, 1901.

Taking of testimony in matter of the enrollment of NELSON MURRELL, ET AL., C.F.-D.#548, continued. Former portion taken by Stenographer Bruce C. Jones.

APPEARANCES:
Mr. Smith, of Counsel for Applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

MINTIE MELTON, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:
MR. DAVENPORT: What is your name? A Mintie Melton.
Q Where do yo u live, Mrs. Melton? A On the Verdigris.
Q How long have you lived in the Cherokee Nation? A Here in the Nation all my life.
Q You know the applicant, Nelson Murell? A Yes, sir, I know him.
Q Do you know his wife? A Yes, sir.
Q How long have you known her? A I knowed her a little while, I knowed her in slave time, before the war.
Q Well, do you know where she was when the war broke out?
A No, sir, I don't.
Q Did she belong to the same parties that you belonged to?
A No, sir.
Q How far did she live from you before the war; you were slaves when you first knew her? A Yes, sir.
Q Was she a slave of the same parties you were? A No, sir.
Q How far did she live from you? A 12 miles I think.
Q Well, you say you don't know where she was when the war broke out? A No, sir.
Q Had she left that country or not? A I don't know where she went; I guess she went off I reckon, I don't know anythi ng about where she went.
Q What was your father's name? A His name was Robert Vann was his name.
Q Where washe when the war broke out, do you know? A No, sir, I don't.
Q Well, did you ever see him after the war broke out? A I seen him after he come back from Kansas.
Q About when did you see him? A When did I see him?
Q Yes? A I can't tell exactly when it was.
Q Well, have you seen Nelson's wife after you came back after the war? A This lady he has got now?
Q Yes. A No, sir, they li ved up here.
Q I mean since you have moved up in this country? A Yes, sir.
Q Is she the same woman you knew before the war? A Same woman.
Q And you say you didn't know where she was? A No, sir.
Q Was she with her owners that owned her when the war broke out? (No response.)
Q Was she at their home? A Well, I don't believe she was right at home.
Q Do you know where she was or what became of her? A I don't know where she was.
Q Do you know how she come here, what the circumstances of it was? A I guess she went off.
Mr. Smith: I object to what she says.
Witness: She lives with Lewis Melton and I live on Caney.
Q Isn't it a fact that your father and she ran off and left this this country before the war broke out?
Mr. Smith: I object to the question, if the Court please, because it is leading, and the applicant says she does not know.
Com'r Needles: Let the objection be entered.
A She was at home and I was at home; I don't know where she went

to and I never visited there.
Q Wasn't it understood by you that she and your father ran off together before the war and left the country?
Mr. Smith: I object to that.
COM'R NEEDLES: You know whether your father and she went off together? A I guess so; they lived at Melton's and I lived at home.
MR. DAVENPORT: You don't know whether they were livi ng at Melton's when the war broke out or not, do you? A No, sir. When the war broke out it wasn't no time to know where anyone lives.
MR. SMITH: How far was it from where Lewis Melton lived to where you lived? A 12 miles.
Q You don't know what took place when the war broke out? A No,sirr
Q You don't know where she was when the war broke out? A No, si r.

HENRY MELTON, recalled, further testified:
MR. DAVENPORT: Henry, what was your wife's father's name, do you know? A Robert Vann.
Q Did he belong to the same men you did? A No, sir.
Q Did you ever know him before the war? A Yes, sir; he was living with Joe Vann.
Q Did Nelson Murrell's wife belong to the same party that you belonged to before the war? A Yes, sir.
Q Well, where was she when the war broke out? A I told you she was gone.
Q Do you know where Robert Vann was? A He must have been with that woman.
Q Was he there with Vann when the war broke out , or was he in the country? A He had a ranch and he went and stold Flory from my Masters.
Q Where did they go? A I don't know where they went.
MR. SMITH: How do you know he stold her? A Wasn't I there when he brought her there to where I was.
Q Did you see him? A Yes, sir, and talked with him.
Q Did you? A Yes, sir, and hoped him get offthat night.
Q What night? A The night he left, and then I met my old boss, Walk Vann himself, waiting for me to see if he could hear from that woman, and I told him that Louin took Flory to Joe Vann's and got Mr. Joe Vann to buy her.
Q Where did Joe Vann live? A On Grand river, in the Cherokee Nation.
Q And you think he had Flora over about Joe Vann's? A I don't know.
Q What did you say about Joe Vann? A I sai d I was there when he brought her there.
Q Didn't you say a while ago that that is where she was when t he war broke out? A No, sir.
Q Have you told now all you know about this case? A Yes, sir.
Q Have you left anything for your wife to say? A No, sir.
MR. DAVENPORT: Just told the facts? A Yes, sir.
MR. SMITH: This is the second time you have been on the stand isn't it? A Yes, sir.
Q Were you asked the question the first time you were on the stand who did Flora run off with; were you asked that question?
A Yes, sir..
Q The first time you w ere on the stand? A Yes, sir.
Q Did you say "I don't know, my old woman can tell you?" A I said-
Q Did you say "I donIt know?" A No, sir.
Q You didn't say that at all? A No, sir.

PHILLIP R. CAESAR, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:
MR. DAVENPORT: What is your name? A Phillip R. Caesar.

Q Where do you live, Mr. Caesar? A Muskogee.
Q Where were you at the close of the war? A At the close of the war I was in the war, in the army.
Q Where were you mustered out? A I was mustered out at Fort Leavenworth.
Q Well, after you were mustered out where did you go? A After I was mustered out I came to the Territory.
Q What part of the Territory did you come first? A First I came to Cherokee Nation.
Q Near what point? A Here on the Verdigris somewheres about the Verdigris, little creek called Snow creek.
Q How long did you stay in that vicinity there? A I stayed there only one season, one year.
Q What year did you come to the vicinity of Snow creek, Mr. Ceaser? A It was '67, Spring of '67 that I came.
Q Well be it when it may when you came there, who were living on Snow creek? A Wasn't anybody.
Q Was there any improvements made by anyone around there?
A No, sir, only improvements I knowed of there at the time and they were little, and then I--not an improvement, but just fencing and put in a little crop of corn the year I came there.
Q How far was the improvements that you made from where Snow creek empties i nto the Verdigris? A Well, now, I couldn't tell you; it was a very short distance; we stayed right in a flat near the mouth of Snow creek and Verdigris.
Q Short distance away? A Yes, sir.
Q Are you acquaintedwith the applicant here, Nelson Murell, the gentleman who sits there, the old gentleman on the front seat?
A No, sir, I am not personally acquainted with him.
Q You are a citizen of the Creek Nation aren't you? A Yes, sir.
Q Well, during the time you lived there did anyone come in there and settle on the creek, or near there; do you remember the names of anybody? A I don't remember the names of anybody. Before I left there they was a family started an improvement up the Snow creek above I and also one up the Verdigriss; up the Snow creek from the mouth and up the Verdigris vrom the mouth of Snow Creek.
Q That was before you left there? A Yes, sir.
Q Was there any Indians in that part of the country before you left?
A Yes, sir.
Q Do you remember any of their names? A Oh, yes, I remember there was an Indian there that I did some work for, man by the name of Love.
Q You did some work for him before you left there? A Yes, sir.
Q Do you remember his first name? A The young man employed me at the time there was Simon, and Sam.
Q Where did they live with reference to where you settled, or had they built their improvements at that time? A They had started their improvements, they was down across the Snow creek from where I was.
Q Were you on the north side, what I would call the north si de of Snow creek, or south side; I mean by that, were you in between the river and Snow creek? A Between the river and Snow creek.
MR. SMITH: How far were you away, Caesar, from the mouth of Snow creek? A In about, I could not tell, it was a short distance it was just a flat.
Q Mile or ten miles? A About somewheres, a mile, might be a mile or mile and a half.
Q From the mouth of Snow creek? A Yes, sir.
Q How far was that from the mouth of Cedar creek? A I don't know a creek by that name .
Q How far was that from the line of Kansas? A The exact distance I could not tell; it was not very far.

Q About how many miles, as near as you can come at it? A Well, if I would have to say according to my judgment, because at the time I never paid any attention whether it was half or 25 miles, but living there, to Chetopa it might have been four or five miles, that I would say that then it would be just according to my judgment.
Q Well, when you left there did you leave for Chetopa? A When I left there?
Q Yes? A Yes, when I left that section of country I went to Snow creek, when I left Snow creek I went to this man Love, and from Love's I went to Chetopa.
Q How far did you live from Snow creek? A I raisedone little crop on Snow creek.
Q When did you get there? A Along in the spring, about February or March.
Q Did you have a family? A No, sir.
Q Where did you live? A I lived right in a house with a man by the name of Steve Little.
Q Lived in Little's house? A Yes, sir.
Q About a mile or mile and a half from Snow creek? A Yes, sir.
Q Did you live right on the bank of Snow creek? A No, sir.
Q How far did you live? A Somewheres about a mile from the river.
Q Well, I know from Verdigris, how far from Snow creek? A About the same distance.
Q How, how long is Snow creek? A I don't know.
Q How far is it from where you lived down there on Snow creek to the Kansas line, or where Snow creek enters the State of Kansas? A I don't know.
Q Did you ever go up the creek? A I sometimes went up it, but I can't tell.
Q You have been in the state of Kansas? A I have been, but I can't tell how long the creek is.
Q Soyou don't know then anything about how far it was from where you lived to the place where Snow creek enters Kansas? A No, sir; I could not tell you.
Q Well, as a matter of fact you don't know anything about it then; you didn't see anybody living there except those you have mentioned? A No, sir.
Q Timber along there wasn't it? A Yes, sir, timber on up and down the creek.
Q You don't pretend to swear that man Nelson Murrell wasn't living there? A No, sir; I said I didn't know that he was living there as Nelson; but there was just before I left there there was a family right in the mouth of Snow Creek where I lived; there was a family started a settlement up Snow Creek from the mouth and also a family started an improvement up the Verdigris from where we lived.
Q You don't know how long those families had been there in that part of cou ntry? A No, sir.
Q Where they came from? A No, sir.
Q Don't know anything about it? A No, sir.
Q How long were you in the army? A In the army about two years and two months.
Q Where did you join? A I joined about the 9th of August.
Q What year? A '63.
Q And how long were you in the army you say? A I was in the army two years and two months somewheres about that.
Q What time did that let you oout? A I got out in September, well, in about, I was dischargedin September, '65.
Q Where were you when you were discharged? A Fort Leavenworth.
Q How long did you stay in Fort Leavenworth? A I stayed in Fort Leavenworth until the spring of '67.
Q Well, how many years? A Well, from '65 until '67.
Q And then where did you go? A To the Cherokee Nation and from Cherokee Nation to the Creek Nation.

Q How long before you got into the Creek Nation? A I could not tell just how long, just back and forth, I was alone, single and I went to and fro from one country to the other.
Q When did you first go to the Creek Nation after the war? A I went to the Creek Nation the first year I came and left from the Creek Nation, then back to the Cherokee Nation at the settlement called the Big creek settlement.
Q Don't you know when it wasyou first went to the Creek Nation?
A No, sir.
Q How did you get to be a citizen of the Creek Nation? A By Act, passage of Council acknowledging my arrival.
Q When? A I was in the Creek Nation in the limit, the 12 months.
Q Twelve months from when? A From April the 13th or 16th I suppose.
Q April 16th, what year? A From the passage of the treaty.
Q When was that? A '67, April, '67.
Q When you worked for Love where did he live? A Cherokee Nation.
Q Have a house to live in? A Oh, yes, he had a little, just little place started and I worked for him.
Q Just started; well, was it a house or not? A House I suppose.
Q Don't you know, don't you know a house when you see it?
A Yes, sir.
Q Was it a house or not? A Yes, sir.
Q Now, what year was that? A That was the year of '68, it seems to me it was the year after I left Snow Creek.
Q How early in '68 and how late? A Now, the days of the year and so on, I could not tell; it was about hay making time.
Q Do you know who built his house? A No, sir the house was there when I went there.
Q Do you know anything about a carpenter before that time that lived up on Snow creek and built Love's house?
A I don't know.
Q Wasn't any living up there? A I don't know.
Q You didn't see him? A I didn't see any, I wasn't acquainted with the people.
Q People lived around there that you didn't know anything about?
A I don't know; it might have been these people I am talking about.

Com'r Needles: This testimony will be made part of the record in the case at bar, and it will also be made part of the record in Cherokee Freedmen doubtful cases #550, #552, #758, #923, #788 and #994.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notesthereof.

J O Rosson

Subscribed and sworn to before me this October 25th, 1901.

Commissioner.

3D923

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 23 1902

ACTING CHAIRMAN

File with C. F. D-923.

C. F. D. 548.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 18, 1902.

In the matter of the application of Nelson Murrell et al. for enrollment as Cherokee Freedmen.

APPEARANCES:
Applicants represented by Mellette & Smith, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

W. H. NICKEMS, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A W. H. Nickems.
Q What is your age, Mr. Nickems? A 64.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Yes, sir.
Q Where were you living when the war closed? A When it closed?
Q Yes, sir, say in '65? A I lived five miles west of Scott.
Q You mean Fort Scott? A Yes, sir, Fort Scott, in Bourbon County.
Q Were you married then? A Yes, sir.
Q Living on a farm? A Yes, sir.
Q Did you know a colored man by the name of Nelson Murrell? A Yes, sir.
Q When did you learn to know him? A It was about the latter part, I don't know just exactly what month it was, of '65.
Q Was he living in the country or in town? A He was living in the country.
Q On whose place, do you remember? A On Isaac Allen's place.
Q How far did you live from him? A Oh, hardly half a mile, I would say half a mile.
Q Did you know Joe Ross? A Yes, sir.
Q Where did he live? A Why it was said that he lived with his father-in-law, I believe they called him.
MR. SMITH: I object to anything that was said unless you know Nelson was his father-in-law.
MR. HASTINGS: Well, you knew him anyway? A I knew him.
MR. SMITH: The counsel for the applicant objects as to the witness's statement as to where Joe Ross lived because he does not state from his own personal knowledge.
MR. HASTINGS: You do state of your own personal knowledge that you knew him? A I knew him.
Q And he lived around there somewhere? A He lived, he stopped——
MR. SMITH: I object to that because it is a leading question
WITNESS: He stopped there where his father-in-law lived.
MR. HASTINGS: How long did you continue to know Nelson Murrell, how long did he live on that place, Allen place? A I think he moved in '66, about the first of the year, it might have been that it was a little later or a little earlier.
Q First of what time? A '66.
Q Of '66? A It might have been that it was just the latter part of '65 that he moved; I know that he lived there right on the same place till he moved.
Q And where did he move to? A He moved about four miles and a half west of me on a farm that was known by John Todd's farm.
Q Did you live between him and town at that time after he had moved?
A Yes, sir.
Q Did you ever have occasion to see him after that time? A Yes, [illegible] after that.

Q Well, for how long did you continue to see him? A It was in '67 sometime, I don't recollect just what time it was. I see him often passing backwards and forwards; he lived west of where I lived and the road that they travelled from Marmaton to Scott, Fort Scott, why passed right by my place, part of the time passed right in front of my house, and part of the time there was another road just west of my house a half a mile. I see him passing backwards and forwards.
Q Did you ever see Joe Ross after he moved away from the Allen farm? A Yes, sir.
Q Well, how long did you continue to see him up there? A I think it was in '67, the last that I ever recollect seeing of him; I might have seen him later than that.
Q You might have seen Nelson Murrell later than that? A Why I might have.
Q That s as late as you remember? A Yes, sir.
Q Do you know what finally became of Murrell, where he went to from that country when he left? A No, sir.
Q Do you know where he claimed he was from? A He claimed he was from the Nation.
Q How far was that from the Cherokee Nation? A Which?
Q Marmaton up there? A Marmaton, I don't know what the distance is from here to Marmaton.
Q Well, up from the line at Chetopa, Kansas? A I don't know just how far it is.
Q Well, it isn't the same tier of counties, don't border on the Nation line does it? A No, sir.
MR. SMITH: I understand that you are not certain about the time that you last saw Nelson Murrell, the man that you talk about, in Kansas; you couldn't tell us the date that he left? A No, sir, I saw him in '67.
Q How about Joe Ross? A I saw him in '67.
Q Which was the older of the two men? A Nelson.
Q Was a married man or a single man, Nelson? A Married man was my understanding.
Q Well, did you know his wife? A No, sir.
Q Do know what her name was? A Do not.
Q Have you been living now ever since that time? Ever since the war closed? A Living on a farm that I bought in '65, three miles west of Fort Scott, and still remain there.
Q Were there a good many or just a few colored people in that country at the time the war closed? A Yes, sir, quite a good many.
Q Do you remember when all of them left or when each one left? A I don't remember just when they left there, there is quite a good many of them that I know.
Q Well, you don't know if it's true that you saw Nelson Murrell in '67 you don't know where he was all of the time during '65 and '66 do you? A Well, I think I do.
Q Well, do you know it? A In '65 he lived on the Allen place in a half a mile of me, and I don't know but he remained there up to '66; I rather think he did.
Q He may have left there sometime during the year of '65? A Yes, sir, he might have done, but I think it was the latter part of '65 or perhaps it was the first of '66.
Q Well, all you can testify to is that you saw him there in Kansas as late as '65, you don't know where he was before that all of the time? A No, I don't know where he was, but I knew where he lived or where they said he lived, I don't know just where he was.
Q You don't know where he lived except from what was said? A Oh yes, sir, I knew where he lived, he lived on the John Todd farm, and he lived on the Allen farm that I knew of from '65 to '67.
Q Did you ever on the John Todd farm when he lived there? A Yes, sir.

Q Well did you see his house? A Yes, sir.
Q See him? A I seed his house.
Q You didn't see him though on the John Todd farm? A I seed the house on the John Todd farm, and my understanding was that Nelson lived there
Q That was just your understanding; you didn't know it personally?
A Oh I seed them about the place, I knew them well enough when I was passing there. I knew them when I seen them.
Q Why of course you knew them, but did you see them when you was passing there? A Yes, sir
Q Well, who did you see? A I see Nelson there.
Q Who else? A Why I have seen the family.
Q Well, you didn't know his wife? A No, sir.
Q Well, you don't know whether you saw her or not? A No, I don't know whether I saw her or not.
Q Well, all you really know as to the John Todd place is what people said about where he lived? A Why he certainly lived there.
Q Well, do you know it of your own personal knowledge? A No, sir, I wasn't in his house, no, sir
Q What is your occupation? A Farmer.
Q Live in Kansas? A Yes, sir,
Q Lived there ever since the war closed? A Yes, sir.
Q Well, now how is it that you could remember that long about the movements of these colored people? A They was part of the people that worked for me.
Q Well, did Nelson work for you? A No, sir.
Q Well, then the fact that the other colored people worked for you wouldn't have anything to do with your remembering Nelson? A I was right in his yard, the road passed almost right through Nelson's yard, also the road passed right to his house when he lived on the Todd farm
Q Well, Mr Wickens, how long had it been since Nelson Murrell had moved from that community until you were called upon to remember it, until you were asked how long had he been gone when you were first asked about the case, how long had he been gone? A Why I don't recollect, my recollection is just what I knew about the folks.
Q Well nothing was said to you one way or the other about the time he left until a few years ago, was there? A Why I knew what time, or about the last time I seed him, I don't pretend to say that he left at that time but the last time I do say that I saw him was in 1867.
Q Well, how many years elapsed before you had a conversation with anybody relating to the time he left? A I couldn't tell you just exactly how many
Q Well, was it thirty or thirty-five? A Oh twenty-eight or thirty years, some place along there
Q Well, then, if it was twenty eight or thirty years, with whom did you have the first conversation about that date? A I don't know as I recollect who I told, we might have talked about these folks, because there were plenties of these folks that worked for me.
Q Well, there was Nelson, you wasn't talking about him, he didn't work for you did he? A No, sir
Q Who did you first talk with about Nelson Murrell twenty-eight or thirty years ago? A The first talk I had was last fall I believe in regard to Nelson
Q Well, who did you have that talk with? A Well, with, I can't recall the man's name, but he is an officer of Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q Well, you didn't remember then just when Nelson had left there did you? A I knew that he left there in '67.
Q What means did you have to refresh your recollection, if any, as to the time when he had gone? A I see the man in '65, and I saw him in '67, my recollection is good enough to know when I saw

a man at that time why I don't forget it.
Q You didn't have any business transaction with him at all, did you, with Nelson Murrell? A No.
Q Now about thirty years afterwards you just remember, dry so, whether he had left there in '65 or '67? A I recollect that is the last that I saw him, I don't know when he left there, but the last time that I saw this man was in '67 and I saw him in '68.
Q You had nothing to fix that on your memory just except your general— A I was very well acquainted with Joe Ross, and he kept me posted on his father-in-law.
Q Well, now, tell me how Ro kept you posted about Nelson Murrell?
A Well, Ro worked for me some, wapped horse with him at one time.
Q Joe Ro ? A Ye , sir, Joe Ro .
Q Well, is that all—is that the only time you ever wapped horses up there? A Oh no, no.
Q Who else did you ever swap horses with? A I don't know, I used to trade horses considerable.
Q Can't tell all the people you traded with? A Could tell part of them.
Q Can you tell me anybody else you traded horses with in '67 and '68? A Oh, traded a good many times, you recollect about '65 it was trading part of this country.
Q Well, I don't recollect much about it. Nothing at all to fix that particular time on your memory with regard to Murrell further than you have stated here in your testimony? (No response)
Q Was there anything now to fix the time when you last saw Murrell further than what you have stated in the testimony which you have given? A I don't know of anything anything more than just what I have given.
Q Do you remember when the Commission sat at Vinita, Indian Territory, up here in the Cherokee Nation, taking testimony in these cases? A I do not.
Q Where were you last October? A Where was I? I was at home, sir.
Q Was that about the time that they were talking to you about this case? A I don't recollect.
Q Well, do you know whether it was earlier or later? A I think it was along in the fall.
Q You don't know whether it was earlier or later than October?
A No, I don't just recollect.

JASPER FORTNEY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Jasper Fortney.
Q What is your age, Mr. Fortney? A I am nearly 65, 64 past.
Q Mr. Fortney, do you reside in Kansas? A Yes, sir, Fort Scott, Kansas.
Q That your postoffice? A Yes, sir.
Q Do you live right in town? A Yes, sir.
Q I will ask you to tell the Commission when you came to Kansas, when you located there? A We landed in Bourbon County, Kansas, on the 6th day of April, 1868.
Q How far from Fort Scott? A Eight miles.
Q That direction? A West.
Q How far was that from either the town or the river at Marmaton?
A Two miles from the Bend out there, one mile from the river; the river runs in a northwest direction there.
Q Did you know a man by the name of Todd? A John Todd, yes, sir.
Q Did he own a farm out there? A Yes, sir, several of them.
Q Did you know a colored man by the name of Nelson Murrell? A Yes, sir.
Q When did you learn to know him? A The year of 1868.
Q How long after you landed there? A Oh I should say, speaking at approximately.
Q Go on, say: A He lived a quarter of a mile west from where we

moved to.
Q On whose farm? A On John Todd's farm.
Q Do you know Joe Ross? A Yes, sir.
Q Where did he live? A He lived in the same house with Nelson Merrell.
Q How long did you continue to know Nelson after you located there? A Until the fall of the year '69.
Q Fall of the year '69? A I think that is the time, sir, that is the best of my remembrance.
Q Make a crop there on Todd's place? A Yes, sir.
Q Both years of '68 and '9? A I think so.
Q Did you know his wife? A Yes, sir.
Q Do you remember her name? A Merrell's wife?
Q Yes, sir, A Eliza or Liza we always called her, Aunt Liza.
Q Did you know Joe Ross's wife? A Yes, sir.
Q What was her name? A Sarah.
Q They lived there together? A Lived in the same house.
Q Do you know what became of Murrell, this Nelson Murrell that you speak of? A He left there to come to the Nation, this country was then known with us as the Nation, down to the Nation.
Q Well, did you ever hear of him being down here afterwards? A I have heard of him; I never saw him. Moved onto the Verdigris River in south, nearly south, of Coffeyville.
MR. SMITH: I object to that because it does not appear that the witness is testifying from his own personal knowledge.
MR. HASTINGS: You only heard of that? A Only heard about it.
Q Through whom did you hear it? A Through my brother.
Q Did your brother know him up there? A Yes, sir.
MR. SMITH: I move to strike that out, being hearsay.
MR. HASTINGS: It is a circumstance by identification.
Q He lived in about a quarter of a mile did you say of you? A Yes, sir.
Q Were you married at the time you moved there? A Yes, sir.
Q To your present wife? A Yes, sir.
Q She is here with you? A Yes, sir.
Q Did Murrell or his wife either work for you some? A Yes, sir, occasionally helped us a little. Merrell would help on our farm and help when we needed help, and his wife helped our women with the housework.
Q Where did you come from to Kansas? A West Virginia.
Q And you weren't in Kansas then prior to April, 1868? A No, sir.
Q And you got acquainted with Nelson Murrell after that time? A Yes, sir.
Q That is your occupation, Mr. Fortney? A By profession I am a civil engineer, not doing much of anything now.
Q Little past that age? A I am not able to.
MR. SMITH: Well, this man Murrell that you speak of, you don't know where he was of course in '65? A No, sir.
Q Nor '66? A No, sir.
Q You don't know when he made the first trip that he made to the Cherokee Nation? A No, sir.
Q Well, at the time you knew him did you know where his family lived, have you ever been to the house? A Oh many a time.
Q Didn't own any farm there did he? A No, sir.
Q Well, what kind of work was he doing? A Farm work.
Q What kind of work did he do for you? A Helped us with the farm work, making fence, helped to thresh, and so on.
Q That kind of employment did you give him, by the day, week, month or year? A By the day usually.
Q By the day? A Yes, sir, I think so. Because he worked no considerable length of time at any one time continuous service.
Q Well, what kind of work did his wife do for your family? A Worked by the day, I presume, sir.

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Q [illegible] she, or cooked, or what? A Did washing and helping clea[illegible] so on, woman's work.
Q [illegible] By the day, I think so, sir, the women usually emp[illegible] help and did the paying also; but she, like her husbana [illegible] considerable time continuously for us.
Q [illegible] her name you say? A Eliza, sir, we called her Aun[illegible] leading to her.
Q [illegible] at that time? A How old was she?
Q [illegible] was she a young woman, or middle-aged or old?
A [illegible] would say, 40 or 45 years old.
Q [illegible] all you know about it is that after you went to Kansas you [illegible] in Kansas, and that he worked for you, and his [illegible] you by the day? A Yes, sir, and that they wer[illegible] continuously for nearly two years, residing there.
Q [illegible] they live from you? A About a quarter of a mile.
Q [illegible] years. A We come there on the 6th day of April, 1868 [illegible] were there I think late in the fall of '69.
Q At the same place? A At the same place in the same house, sir. Ross, Merrell, and their families all residing in the same house.
Q On whose farm? A John Todd's.
Q Well, what were you doing at that time? A I was farming.
Q How long did you continue to farm? A After that?
Q Well, just from the time you went there? A Well, most of the time for fifteen years; no, I will correct that, 12 years.
Q For the first two or three years after you went there were you farming continuously? A Continuously, yes, sir.
Q On what farm? A On the farm belonging to my father and brother, adjo[illegible] on which Merrell and Ross lived.
Q [illegible] there all of the time during that time? A He [illegible] the while, sir, he might have been away temporar-ily [illegible]
Q [illegible] whether he was away at all or not? A No, sir, I [illegible] that.
Q [illegible] he resided there all of the time? A His fam[illegible] was his home.
[illegible] whom you called Aunt Liza was there t[illegible] there? Is that correct? A Oh, he had [illegible] his farm tools there, and stock, he had some [illegible] think, and horses, they was there.
Q [illegible] or a young man? A I would think he was near 5[illegible]
Q [illegible] 45 to 50, somewhere along there.
Q [illegible] since he left there? A No, sir.
Q [illegible] whether it was the same man who applies in this [illegible] only the name, sir, that is all.
Q [illegible] by the name, the man you knew, by the name of Nel[illegible] A As far as I knew he did, yes, sir.
Q [illegible] by any other name? A No, sir.
Q [illegible] you don't know where he went to when he left the[illegible] your own personal knowledge? A Only what he told me.
Q [illegible] Nelson Merrell.
Q [illegible] your brother- A You asked me if I had seen him, I said [illegible] since that time, and I don't know where he resides further than what my brother said. But I did know where he said he was [illegible]
Q [illegible] A Said it to me.
Q [illegible] came down into the Territory.
Q [illegible] with him if any one? A Joe Ross, his son-in-law, and [illegible]
Q [illegible] Aunt Liza, did she come? A Yes, sir.
Q [illegible] you say that was? A Fall of '69 I think, sir.
Q [illegible] late in the fall of '69 that they came down

to this country or to the Territory, I won't say this country.
Q Well, what makes you so positive that it was that long after you first came to the country that they left? A Because, sir, Nelson Merrell had grown a crop, grown on John Todd's farm, in '69, and my brother and I helped to harvest it and helped to thresh it, and so on.
Q In '69? A My brother cut the harvest for him; I helped in the field as a harvest hand.
Q Then did you first think about the time he had left afterwards, how many years had it been? A I don't know that, sir, I don't know when I first thought about it.
Q Well, you have had some conversation about it since I suppose? A Not until--nothing more than my family and I might speak of Aunt Liza or Uncle Nelson, or hear indirectly something from them or something of them, why it might come up, I don't know that there was anything else to bring it up specially.
Q Well, with whom did you first talk as to the date, when did you first get to talking about the date when he had left there with anyone for the purpose of fixing the time in your mind? A I don't know when I first did, sir, may have spoke of it many times in the last thirty years.
Q Well, do you remember when the Commission was enrolling freedmen down here in the Cherokee Nation in about '96, Kern and Clifton Commission? A Oh, I may have read of it or heard of it.
Q Were you a witness then at that time? A No, sir.
Q Well, now when you first were asked about what you knew about Nelson Murrell how long had it been since he left there, how many years had elapsed, that's what I want to know, you see what I am asking you? A I was interrogated within the last four or five or six days, I will say a week; a gentleman came to see me to know if I knew anything of Merrell, and if I knew when he left, if I knew who his wife was, if I knew Joseph Ross, and if I knew his wife. Those questions have been asked me, yes, sir; and I answered affirmatively.
Q Well, was the inquiry with regard to Merrell, as you state, or Murrell? You said Merrell as I understood you? A Well, sir, Nelson Merrell.
Q How do you spell it? A I don't know, sir. I don't know that I ever spelled it or was asked to.
Q Well, would you say that it was Murrell or Merrell? A Well, after anything is over I would say if I was going to spell it that it was [illegible]
Q Then you were mistaken when you said Merrell? A Well, it was pronounced [illegible] pronunciation, yes, sir, you and I might pronounce it [illegible]
Q Well, if [illegible] M-u-r-r-e-l-l you wouldn't call it Merrell [illegible] you? A It might be thus pronounced.
Q Well, [illegible] would you get Merrell out of M-u-r-r-e-l-l? (No response)
Q Well, now, it had been when you were interrogated, as you speak of, nor thing more than thirty years, hadn't it? A '69 and 30 would be '60; yes, sir, thirty years, over thirty years since he left there.
Q Did you have anything by which to refresh your recollection in books or papers? A No, sir.
Q Well, now could you remember exactly the year that you and your brother had harvested a particular crop for thirty years back without anything whatever to assist you in arriving at that date? A Well, sir, I can answer that by saying that if I never did a job for a man except one time, and that was in the year that he left the country when that work was done, that I could arrive at a definite time.
Q Well, did you ever do any other work for any other one man who left [illegible] country at any particular time? A I don't remember.
Q [illegible] Why now were you able to arrive at this particular

date thirty years after it happened? A Simply by my own remembrance, that is all.
Q By your own remembrance? A Yes, sir, I have nothing by which to refresh my memory or anything of that kind.
Q You don't think you could be mistaken about it? A No, sir, I think not.
Q How was that? A I think not.
Q Well, are you sure? A I am as sure of that as I could be of anything else transpiring that long since, that's my remembrance.
Q That's the best of your recollection at this time? A Yes, sir.
Q You couldn't say as positively that that was true as you could about something that happened yesterday or last year, could you?
A Well, pretty nearly in this case; I don't think that there is anything that vitiates my remembrance at all of the time of his leaving there, and the time we went there.
Q How many colored people do you suppose left that country since you went there? A I don't know.
Q Many or few? A I suppose there have been a good many that have left there by death and otherwise.
Q Can you give the dates when they left, all of them? A I didn't have any business with them, therefore I wasn't intimately acquainted, not very intimately acquainted with them, I have known them, seen them.
Q When you couldn't tell about the time when the majority of them went away? A No, sir.
Q What time in the year did you arrive there yourself? A 6th day of April, 1868.
Q Who did you bring with you? A Brought my family, and my father and his family.
Q Your wife and your own family and your father and his family?
A Yes, sir.
Q Never moved away from that immediate country afterwards? A No, sir. I have lived in that county ever since.
Q Well, did you ever do any civil engineering after you went there?
A Yes, sir
Q About when? A Several times in my time; worked for this railway, some for the Gulf Railway, we called it the Memphis, the Frisco it is now, and the Missouri Pacific Railway Company.
Q Commencing about how long after you went to that county? A I was county engineer elected in 1889, and was the county engineer for four years, and deputy engineer for four years more, did the work.
Q Well, up to that time had you done anything except farm work?
A No, sir, very little civil engineering prior to that time.
Q Did Ross and Murrell live there together? A Yes, sir.
Q Did they start? A Well, I knew when they did start, but whether I saw the wagons start when he left the house or not I can't say now. I knew they were getting ready to start and that they did leave.
Q What did they take with them? A Took their families with them.
Q What else? A What little stock they had I think.
Q Well, how much did that consist of? A I can't answer you now, I don't remember as to that.
Q Didn't seem to be much of a job for them to move did it? A They came in wagons, had two wagons I think.
Q Had two families? A Had two families.
Q Took one wagon to move what one family had? A Yes, sir, I guess that's about the amount of transportation they had.

VASHEY FORTNEY, being first duly sworn, testified as follows

Mr. HASTINGS: What is your name? A Vashey Fortney.

Q What is your age, Mrs. Fortney? A 62.
Q To Mr. Fortney, who just left the stand, your husband? A Yes, sir.
Q Your postoffice is Fort Scott, Kansas? A Yes, sir.
Q Do you live in town? A Yes, sir.
Q Where were you born? A West Virginia.
Q Were you living in West Virginia during the late Civil War?
A Yes, sir.
Q Were you married before or after the war? A Married just before the war broke out.
Q When did you come to the State of Kansas? A The spring of '68.
Q Your husband came with you? A Yes, sir.
Q Where did you first locate? A Near Marmaton.
Q [illegible]? A Yes, sir.
Q On a farm? A Yes, sir.
Q Did you ever know a colored man there by the name of Nelson Murrell? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q Did you know a colored man by the name of Joe Ross? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q About how far did they live from you after you located there?
A Well, I would say about a quarter of a mile just guessing at it.
Q How long after you came there did you become acquainted with them, learn to know them? A Well, almost immediately, because they were our nearest neighbors, and they worked for us.
Q Were they living there when you moved there? A Yes, sir.
Q How long did they continue to live there? A Well, the year of '68, and I think the fall probably of '69, at least I won't go any further than that, I am quite positive that they were there until the fall of the next year.
Q Of '69? A Yes, sir.
Q Did they on this same place where you found them? A Yes, sir.
Q Did you live there on an adjoining place a quarter of a mile distant? A Yes, sir.
Q That was out in the country was it? A Yes, sir.
Q [illegible] they went when they left there or where they [illegible] Well, I know what they said, they did [illegible] Nation, and further than that——
[illegible] object to that, I want to know who said that.
[illegible] Well any of Murrell's folks? A Well, yes, sir, [illegible] and of course we were anxious to know about [illegible]
Q [illegible] while they was making the preparations for their [illegible] sir.
[illegible] Well, I object to that because the statement of no [illegible] not a party to this action can be taken.
MR. HASTINGS: These are the same parties.
[illegible] Well, I don't think so. Counsel objects to the statement made by any other person except the party to this suit.
MR. HASTINGS: (To witness) They said they were coming to the Nation? A Yes, sir.
MR. SMITH: That question is objected to.
MR. HASTINGS: You never saw them after that time? A No, sir.
Q Did the women folks work for you? A Yes, sir.
Q Did you know Murrell's wife's name at that time? A Yes, sir, Sarah I think was what they called her.
Q Did you know Joe Ross's wife's name? A That was Sarah, yes, sir.
Q Well, did you know Nelson's wife's name? A Yes, sir, that was Eliza, was Aunt Liza we called her.
Q You know whether Mrs. Murrell was any relation to Joe's wife or not? A No, sir, I don't know.
Q You don't know what the relationship was? A No, sir.

Q Did you see them frequently? A Yes, sir.
Q Could you see their house from yours? A Yes, sir.
Q Plain sight? A Yes, sir.
Q Across the field was it? A Well, we would have said down the road.
Q You came to Kansas from West Virginia in the spring of '68? A Yes, sir.

MR. SMITH: Well, how long now after Nelson Murrell had left Kansas before any discussion of the time when he left came up; how long? A I heard nothing at all about it until recently.
Q Well, about how recently? A Well, I don't think it's been more than a week or two weeks.
Q Well, then at that time did you have any recollection as to the time he had left there or did you have to look it up or talk with your husband or someone else about it? A No one at all. That I know, of course I am just telling you what I know.
Q Well, what I am talking about now after this time had elapsed, after that many years had gone by, did you remember it or did you have any way by which to refresh your recollection? A Remember it, sir, quite well, just as I am telling it.
Q That was about how long; something over thirty years after they had gone away, wasn't it? A Thirty years.
Q Something over that I say? A Well, now, we had been here, let me see, we come here the spring of '68, April, '68, and this is 1902, let's see how long.
Q Well, now, during all that time did you keep it in your mind that they left here in a certain year during a certain year; what I want to know is why and how that was fixed upon your mind, that particular date when they left? A Well, I was just thinking about how long we had lived there, how long they had worked for us, and I am not positive as to the second year, sir, at all; but I think the fall. I can just remember of seeing the covered wagons just as well when they were all getting ready, and I knew it was rather cold weather, I think it was very late in the fall when they moved away; I don't know just exactly, I am not positive as to the time they left just exactly.
Q Well, are you positive as to the year? A Yes, sir, I am positive as to that.
Q What time in the year did you get here? A The 6th day of this present in April.
Q You never have seen that man Murrell since that time? A No, sir.
Q Nor Ross? A No, sir.
Q You don't know whether they are the same persons who are applying at this time for admission or not? A I don't know, did you say?
A I don't know; well I presume so.
Q I know; but what do you know about it; I don't want to know what you presume, but what you know? A Well, yes, sir, I would say they were the same parties.

MR. HASTINGS: Comes now the representative of the Cherokee Nation and moves that this testimony be filed with and made a part of the record in the following cases, for the reason that these parties claim to have returned to the Cherokee Nation after the war along with and at the same time that Nelson Murrell came, as follows: Joe Ross, F. D-542; Jacob Ross, F. D-539; Easu Fox, F. D-508; and Steve Looney, F. D-519; together with the cases in which the testimony of these last forementioned cases is thrown, which are as follows: D-550, D-[illegible], D-750, D-623, D-473, D-475, D-544, D-549, D-551, D-789, D-541, D-540, D-543, D-545, D-538, D-547, D-537, and D-621, in addition to the case at bar.

MR. SMITH: The counsel for the applicants objects to this testimony being made a part of the record in any case except in those cases in which the cases have already been connected, because-

[illegible] statements of the witnesses examined in this particular case [illegible] as to the time when Nelson Murrell left Kansas as they claim [illegible] not affect the cases of other persons because this record does not show that Nelson Murrell made only one trip to the Cherokee Nation; and further, the testimony taken in this particular cause upon notice to this particular applicant would not be competent testimony in the other cases in which it is sought to be made a part of the record.

[illegible] MATTHEW: The record shows that proof of notice to take [illegible] was served and filed upon the attorneys for the applicants in [illegible] the remaining cases, being Nelson Murrell, D-548, Joe Ross, [illegible] Ross, D-530, Steve Looney, D-519, and Esau Fox, D-[illegible] and the testimony heretofore taken in these cases and introduced by the applicants themselves is to the effect that they [illegible] returned and moved to the Cherokee Nation together after the war; that they came along in the same crowd with Nelson Murrell and Joe Ross, about whom the witnesses introduced today testified, and for that reason the testimony of these witnesses is relevant in all of these cases.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 18th day of April, 1902.

P. J. Reuter
Notary Public.

C. F. D-548.

To be filed with the following Cherokee Freedmen cases: D-550, D-552, D-758, D-923, D-473, D-475, D-508, D-537 and D-621.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., APRIL 29, 1902.

In the matter of the application of Nelson Murrell, et al. for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-548.

Applicant represented by Mellette & Smith.
Cherokee Nation represented by J. S. Davenport.

SIMON SCALES, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Simon Scales.
Q Where do you live, Simon? A At Fort Scott, Kansas.
A Do you know how old you are, Simon? A I do, sir, about, near about it.
Q Well about how old do you think you are? A Going on 61, on the 25th of last March.
Q How long have you been living at Fort Scott, Kansas, Simon?
A Well, sir, near about thirty-one or two or three years.
Q About how long? A Thirty-two or three years, along there.
Q Well did you go there before or after the close of the war?
A After the war, sir.
Q Do you remember that distinctly; you don't know what year, but after the war closed? A Yes,sir.
Q Well after you went to Fort Scott, Kansas, did you get acquainted with a colored fellow by the name of Murrell? A I got slightly acquainted with him.
Q Did you ever know what his first name was? A I disremember.
Q You don't know what his name was? A I forget what his first name was; I got acquainted with him slightly, just passing by him coming in.
Q Did you know where he lived? A No,sir; I never did know where he lived; I knew he lived up the river above us a mile or two.

JOHN KILBURN, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A John Kilburn.
Q What is your age? A I will be 56 the 20th of October coming.
Q What is your post-office? A Marmaton, Kansas.
Q How long have you lived near Marmaton, Kansas? A Since '65, since August, '65.
Q You went there after the close of the war, did you? A Yes, sir.
Q Since you went to Kansas did you get acquainted with a colored family by the name of Murrell? A Yes,sir.
Q Do you know what the first name of the man was? A I think his first name slipped my mind. Nelson Murrell, Nelson Murrell I think was his name.
Q Where was he living when you first got acquainted with him?
A On John Todd's place.

Q Where is that from Fort Scott or Marmaton, Kansas, now, how far?
A Well it's a mile and a half west of Marmaton, and about eight miles of Fort Scott.
Q You say he was living on John Todd's place? A Yes,sir
Q Did he have a family at that time, or do you know? A When I was there, just him and his wife.
Q Well, that's what I mean; was he keeping house? A Yes,sir
Q He lived on John Todd's place? A Yes,sir.
Q What were the circumstances of your getting acquainted with him that you remember him that well? A Why I went there to break prairie for John Todd.
Q They had a man on this place, he was living there? A Yes,sir.
Q Why? A That was the most convenient place that I knowed of, so I stopped the wagon there, and I slept in the wagon and boarded with him.
Q Boarded with them, they cooked for you? A Yes,sir.
Q Now when was that, Mr. Kilburn? A Well I guess that was in '68, it might have been '69.
Q Well did he move away from that country after that, or do you know? A He moved away, but I don't know when. Don't know where he went.
Mr. MILLER: You simply stopped there with him while you was breaking prairie there? A Yes,sir.
Q Didn't know him very long then, did you? A No,sir.
Q Don't know where he had been before that, do you? A No,sir.
Q Don't know where he went after that? A I don't.
Q Are you certain it was in the year '68? A Well, that or '69.
Q How long did you breal prairie there? A I expect it took a couple of weeks, I disremember.
Q Well now when was your attention first called, when were you first asked about what you knew about this man with a view of your being a witness in this case? A By Mr. Rucker.
Q How long ago? A I guess it's six weeks ago, might have been or that.
Q When you remembered back thirty-five or forty years and remembered exactly what you seen two weeks when you was breaking prairie? A Yes,sir..
Q You have got a pretty good memory, haven't you? A Why I don't know that I have.
Q Who talked to you about this case first; that gentleman, do you know? A Yes,sir.
Q What's he got to do with this business? A Couldn't tell you.
Q What's his name? A Rucker. C. T. Rucker.
Q Where does he live? A Fort Scott.
Q Is he getting up evidence for the Cherokee Nation up there? A I ain't positive about that.
Q He was around inquiring of you what you knew, was he? A Yes, sir.
Q What did he say to you? A He wanted to know if I ever knew a man- how as near as I can recollect--if I knew a man by the name of Murrell, a colored man that used to live down there.
Q Did he say he was going about there getting what people knew about the case? A I don't think he said anything about that.
Q Is he the man that testified in the Pomp Brown- Lewis T. Brown case a while ago? A I think he did.
Q And he came to you inquiring what you knew about the Elson Murrell case? A Yes,sir.
Q That he was getting up testimony up there, isn't he? A Well I just inferred that he was, I never heard him say that he was.

Q Can you remember every man that you broke prairie for two weeks thirty-five years ago? A No,sir.
Q Why can you remember this man then? A Well I'll tell you how I know about the time. I had a homestead up there about three miles from this Todd place, and I broke--I was breaking prairie for the man that built my house on that homestead, and then there was a man by the name of Hill and he built the house on the homestead, and then I broke a piece for Mr. Stanley, another neighbor, and then I went to break for Mr. Todd and then I went up with the team,it was about the first team that I ever owned, and I went threshing with another man, hired to him on the threshing machine; that's how I remember.
Q That's the reason that you remember that you met Nelson for two weeks thirty-five years ago? A I know that's why I remember Nelson Murrell, yes,sir.
Q You didn't even remember his first name when you was first asked the question? A I didn't.
Q Have you ever seen him since you saw him there? A I don't remember that I have.
Q Don't know whether he is the man that has applied here or not for enrollment, do you? A I would just say that he was; I don't know anything about it.
Q Never have seen him? A No,sir.
Q All you have heard is that they was asking you about Nelson Murrell? A Yes,sir.
Q Well did you come away down here just to swear that? A I suppose that's what they got me here for. Looks that way to me.
Q You don't know where Nelson Murrell was in '66, do you?
A I do not.
Q '67? A I don't; let me see; no, I don't know where he was in '67.
Q And you don't know where he was except the time you speak of?
A That's all.

MR. DAVENPORT: When you was spoken to about what you knew about Nelson Murrell by Mr. Rucker there was no inducement offered or no premium to get you to swear anything other than the truth, other than what you knew? A No,sir.
Q Did anybody ask you to swear to anything other than what you knew in regard to the matter? A I don't think they asked me to swear at all; just asked me what I knowed about it.
Q You was then subpoenaed, was you not? A Yes,sir.
Q Was there anything said to you about there being an association for the defense of the Cherokee Nation as against the claimants down here; was there any information given you that there was an organization for the purpose of trying to defeat the claimants?
A I never heard of any organization.
Q You came as any other witness after you had been talked to as to what you knew and then was subpoenaed; you came upon a subpoena after Mr. Rucker had talked to you as to whether you knew Nelson Murrell or not? A Yes,sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-550, D-552, D-758, D-923, D-473, D-475 and D-548, the case at bar; also in Cherokee Freedmen cases No. D-508, D-537, and D-621.

C.F.D-548.---4.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of May, 1902.

P. G. Reuter,
Notary Public.

(Notarial Seal)

I, George W. Irwin, stenographer to the Commission to the Five Civilized Tribes, being first duly sworn, state that the foregoing is a true and complete copy of the original transcript in the above case.

George W. Irwin

Subscribed and sworn to before me this 25 day of June, 1902.

P. G. Reuter
Notary Public.

D-923

F.D-548.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 15, 190 2.

In the matter of the application of Flora Murrell for the enrollment of herself as a Cherokee freedmen.

SUPPLEMENTAL TO D-548.

Applicants appear by Thomas Owen, representing Melette & Smith, Vinita, Indian Territory.
Cherokee Nation represented by W.W. Hastings.

STEPHEN LITTLE, being first sworn, testified as follows:

MR. HASTINGS: What is your name? A Stephen Little.
Q Where do you live? A Live in Cooweescoowee District of the Cherokee Nation.
Q. Well give me your postoffice? A. Lenapah.
Q. What is your age? A Going on 77.
Q. Do you know Flora Murrell? A I do.
Q. Is she the wife of Nelson? A Wife of Nelson Murrell, she wasn't when I first knew her.
Q Well when you first knew her who was she the wife of? A A man by the name of Vann, I think they called him.
Q. Well what was his first name? A. Well I forget his first name
Q Well do you know it was Lowen? A Lowen Vann.
Q Where were you living when you first knew Lowen Vann and Flora his wife? A I was living on Snow Creek.
Q.On Snow Creek? A Yes sir.
Q. After the war? A After the war, yes sir.
Q. How long had you been living there after the war when they move into that neighborhood? A Oh I had been there a very little while, I had been there I think four or five or six years, I know I had been there five years.
Q.You know you had been there five years? A I know I had been there five years.
Q. Did they have any children? I think they had five or six.
Q.Do you know any of their names? A Yes, sir, there was Sonny, and Charley and Florence, I know them, and another called Lila.
. Did you know Lowen Vann well? AKnow him well?
Q.Yes. A Oh, yes, sir, knew him well as I knew anybody.
Q. Did you ever talk to him about where he had been? A Never had any particular talk as I know of about where he had been, but I heard him say he had been to Mexico and he and I talked Mexican some together.
Q. You and he talked the Mexican language together? AYes sir, Mexican language.
Q Said he had been to Mexico? AYes, sir.
Q Did he say what part of Mexico he had been in? A I don't know, if he did I don't remember.it.
Q. Well he talked the Mexican language did he? A Yes sir, good.
Q He was the husband of Flora Murrell? A At that time, yes sir.
Q The father of Charley Vann? A Yes sir, I suppose so.
Q. You didn't know him before the war? A No sir.
Q He talked the Mexican language did he. A Yes, sir.
Q You talked it? A He talked it and I talked it.
MR. OWEN: When was that that you knew him? A When he lived up on Snow Creek.
Q.How was that? A When I lived up on Snow Creek there.
Q. I say when was that? A Well it was sometime in sixty- I think

that must have been sometime in '70 along there.
Q Well why do you think it was in '70? A Because the time I moved there-
Q Well is there anything special that makes you think it was in '70?
A Yes sir something special.
Q What was it? A I had planted some apple trees, and I put them out first, and I know it must have been three or four or five years and that time they was bearing apples.
Q And they had just begun bearing apples? A Just begun to bear apples.
Q When you was talking with him? A Yes sir.
Q You put them out when you first went there, did you? A The first year after I went there.
Q You went there in '60? A Yes sir.
Q You put out your apple trees in '61. A '66 I went there.
Q You went in '66 so the Cherokees says, I met there in '66, that's the reason I am here to-day.
Q You have proved already before the Commission that you was there in '66 have you? A I didn't have that to prove, they all knew it.
Q Your neighbors knew that? A Yes sir.
Q What month did you go there in? A Me ?
AQ Yes you? A In April.
Q April 1866? A Yes sir.
Q Where did you come from? A I went from Leavenworth, Kansas.
Q When did you go to Mexico? A Never have been there.
Q How did you learn the Mexican language? A My boss always kept Mexicans at our house, he would trade them, and I heard them talking the language, and I learned it.
Q You learned it without going to Mexico? A Yes sir .
Q This other fellow that you testify about talked with you, Mexican
A Yes, sir, that Lowen did.
Q Didn't you say a while ago in your cross examination that you went there in '60? A Went where.
Q Where you live? A '66.
Q How old was them apple trees when you put them out? A Oh I don't know how old they was, I expect they were two years old or something like.
Q Two years old when you put them out? A I expect so .
Q And they was just beginning to bear? A Bearing when they come there.
Q When you first got acquainted with him? A Yes sir.
Q How long had he lived there in that community before you met him?
A Before I met him, why he didn't live there long because he come there across the river from where I was, and I heard that some of his kin folks had come, and they was backwards and forth across the river there every day or two, see him.
Q He hadn't been there long before you met him? A No sir.
Q How long was it before you found out that he could talk Mexican?
A Oh I couldn't tell you, he was a Catholic and I was a Catholic, and we got to talking, and then he would let me know that he could talk Mexican.
Q Could you learn Mexican in that day and time without going to Mexico? A Well he could, couldn't he?
Q Well you learned it without going there didn't you ? A Yes sir.
Q Do you know anybody else that did? A Yes, sir, hundreds.
Q Lots of them learned Mexican without going to Mexico? A Hundreds, right where I was a man has all black folks could speak Mexican.
Q The fact that a mancould talk Mexican wasn't much of a sign that he had been to Mexico? A Not much, no, sir.
Mr. HASTINGS: You heard him say that he had been to Mexico and you learned Mexican up there around- A Up there about Independence, Missouri.

Q. Up there where they talked Mexican? A They would come there in the first of fall and stay until cold weather and go away and they wouldn't stay with the white folks, and that's the reason.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmen cases: D-550, D-552, D-756, D-923, D-473, D-475, and D-548, the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 20th day of May, 1902.

(Signed) P. G. Reuter.
Notary Public.

(SEAL)

M. E. Kaufman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above copy which is a true and correct copy of the original transcript in the above case.

M. E. Kaufman

Subscribed and sworn to before me this 7th day of July 1902.

P. G. Reuter
NOTARY PUBLIC

COMMISSION
AUG 1 1 1960

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedman, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

D 913

Sonny Smith, ~~D 927~~;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation certainly most strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

FILED
MAR 2[illegible] 190[illegible]

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Sonny Smith,
Collinsville, I.T.
Cherokee F-D-923
Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Fort Gibson, Indian Territory, September 9th, 1901.

Mr. Sonney Smith,

Collinsville, Indian Territory.

Dear Sir:-

Enclosed herewith you will find the birth affidavits in the matter of the applications for enrollment as Cherokee Freedmen of Neely Smith and Floyd Smith, your children.

The notary public before whom they were executed failed to affix his official seal to the affidavit made by your wife.

When you applied for the enrollment of yourself and family you advised the Commission that Neely Smith was four years of age. From the affidavit it appears that he will be six years of age in November, 1901. Please advise the Commission as to the correct age of this child.

Yours truly,

C. R. Breckinridge

Enc. CFD923. Commissioner.

INDEXED.

No. 16785

CHEROKEE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 5 1901

O. P. HAMLIN, Attorney,
Springfield, Mo.

JOE S. EATON, Attorney,
Okmulgee, Ind. Ter.

H. E. P. STANFORD, Stenographer,
Okmulgee, Ind. Ter.

Refer To

HAMLIN, EATON & STANFORD.

Comm. Nov 27/90

Office, Sixth Street, next door East Martin's Drug Store

Okmulgee, Ind. Ter., 11/22-01.

Mr. C. R. Breckenridge,
Commissioner,
Fort Gibson, I.T.

Dear Sir,-

Answering your letter of September 9th attached, I hand you herewith the birth affidavits with the seal of the Notary Public attached.

With reference to my original application for enrollment of Neely Smith, I will say that my statement that he was four years of age was in error; and that his age is as shown by the affidavit - 6 years. Kindly change my application to conform to the facts in the case.

Yours truly,

[illegible]

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

Cherokee F.D-923

Muskogee, Indian Territory, November 28, 1902.

C. C. Sigler,

Chelsea, Indian Territory.

Dear Sir:-

The Commission is in receipt of your recent letter without date, in further reference to the status of the application made by Hattie Smith for enrollment as a Cherokee Freedman.

In reply, you are advised that this applicant and her family are listed upon a doubtful card and no decision has yet been rendered as to their rights to enrollment.

Respectfully,

Acting Chairman.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEELY,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYERSWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-923.

Muskogee, Indian Territory, September 9, 1903.

Sonny Smith,

Collinsville, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee Freedman, you are hereby advised that further testimony is required as to whether you were the slave of a Cherokee citizen at the commencement of the war of the Rebellion, and whether or not you returned to and were residing in the Cherokee Nation on July 19, 1866, or within six months thereafter.

You are further advised that the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-923.

Muskogee, Indian Territory, September 9, 1903.

Edgar Smith,

Attorney for Sonny Smith,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Sonny Smith, et al., as Cherokee Freedmen, you are hereby advised that further testimony is required as to whether said Sonny Smith was the slave of a Cherokee citizen at the commencement of the War of the Rebellion, and whether or not he returned to and wasresiding in the Cherokee Nation on July 19, 1866, or within six months thereafter.

You are further advised that the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the points mentioned.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen

D 923.

Muskogee, Indian Territory, May 9, 1905.

M. F. Aby,

Tulsa, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of April 13, 1905, relative to the enrollment of Thomas Smith, et al., children of Sonny Smith, as Cherokee freedmen.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered the parties concerned will be furnished with a copy.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

COPY

Department of the Interior,
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

OCT
IND.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

DEC

General Office Cherokee Div.

Advising that further testimony is required in connection with application.

Cher Fr 1459

Trans. from Cher Fr D1072

Cher Fr 1459

Buck Rider 5

~~Kiste~~ notified in writing of his present post-office address.

---*******---

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 9th, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., Sept.27, 1901.

In the matter of the application of Buck Rider for the enroll ment of himself as a Cherokee Freedman; being sworn, and examined by the Commission, he testified as follows:

Q What is your name? A Buck Rider.
Q How old are you? A I must be some thing near about 60 now I reckon.
Q What is your post-office address? A My post-office address is Okra.
Q What nation is that in? A That's in the Chickasaw Nation.
Q You are living in the Chickasaw Nation at the present time?
A Yes sir, ~~living~~ I am living there now.
Q You apply for enrollment as a Cherokee Freedman? A Yes sir.
Q You apply for anyone besides yourself? A No sir.
Q Have you ever applied for enrollment in any other tribe or nation
A No sir.
Q Never applied for enrollment as a Chickasaw? A No sir.
Q You were born a slave? A Yes sir.
Q Whatis the name of your owner? A Polly Rider, and Gus.
Q Was she a Cherokee Indian? A Yes sir.
Q Where were you living at the outbreak of the war? A I was living up in Flint district, with Mrs. Rider.
Q How long had you been living there? A I was bred and born right there.
Q Did you leave the Cherokee Nation at the outbreak of the war?
A No sir, right around in the nationhere.
Q You didn't leave the nation? A No sir, no more than I was driving a team right around here.
Q Did you leave Flint District? A Yes sir. And come to Fort Gibson here and drove a team.
Q How long did you stayat Fort Gibson? A I don't know exactly how long.
Q About how long? A I guess it must have been about 6 years I reckon.
Q Was that before the war? A In time of the war.
Q You know when the war broke out? A I don't know exactly.
Q You know when it closed? A Well yes sir, pretty much.
Q When? A In '66, they say.
Q Where did you go to after you leftFort Gibson? A I stayed here until after '66, and I went over into the Creek Nation there to the old agency.
Q You went to the Creek Nation in 1866? A After the '66 I went over to the agency.
Q How long afterwards? A Well it was about a year I reckon.
Q You went over about 1867, where did you go then? A I went out from there to the old agency and went to work there.
Q How long did you stay there? A I guess about a year.
Q Where did you go then? A I went on out towards the Seminole Nation and worked there, and went on out to the Chickasaw Nation.
Q And you have beenliving in the Chickasaw ever since that time?
A Pretty nigh ever since.
Q And you have never been back to the Cherokee Nation to live since that time? A No sir, no more than just come backwards and forwards.
Q You know what year you left the Cherokee Nation after the war?
A Well it was after '66 as near as I can recollect.
Q You are sure of that? A Yes sir.
Q Have you ever been recognized as a citizen of the Cherokee Nation? A Well I have been on the Wallace roll; I guess I must have been.
Q Have you ever drawn any money? A No sir, they put me down but I never did draw no money, and I was put on the Clifton roll I think, but I never did draw nothing.

Buck Riley 2

BY MR. DAVENPORT:

Q You have never had a home in the Cherokee Nationsince the war, have you Buck? A Well I stayed down here directly after the war.

Q You never had a home of your own? A No sir.

Q You left here shortly after the war closed and drifted from here to the Creek Nation? A I worked all about up in there and went out in the Chickasaw Nation, and stayed there.

Q You left here the year the war closed? A Well directly afterwards.Q

Q How long after the war closed did you leave? A Must have been about a year I guess.

Q Fall, or summer or winter? A Must have beenin the fall, I reckon.

Q Was it the first fall the war closed after you left here? A No sir, it wasn't the first fall, It was here a good while afterwards.

Q Who did you live with here? A I was living with myself down there in the bottom.

Q On whose place? A Just a little place I was working on myself.

Q Who was living around here that knew you was staying therein the bottom? A Well,let's see, why I guess there was several.

Q Can you name any of them that knew you was down there? A I guess maybe Sandy, and lot of them ~~there~~ ~~there~~ ought to know I was down there, I guess; went over from there into the Creek Nation.

Q You don't know what year it was you left, but you know it was a short while after the close of the war?A Yes sir, a year like after the close of the war I think, as near as I can recollect.

BY COMMISSION:

Q Did you make a crop here after the close of the war? A Yes sir.

Q On whose place? A Made a crop over here right back of the fort here; I don't know whose place it was; me and- oh I can't think of the old gentleman's name, and cousin Berry we all cropped together.

Q Was that in the same year or the year after the war? A It was the year after the war, I don't know exactly.

Q Have you any idead what time peace was made between the United States and the Confederacy? A Well now the '66 treaty.

Q No I am not talking about the '66 treaty, have you any idea when peace between the United States and the Confederacy was declared, have you any idea whether it was summer, spring or fall? A I think it was a long in the spring or summer; I am so forgetful I forget.

Q Of what year? A I don't know.

Q You don't know do you? A No sir, I don't because I wasn't book learned; I don't know hardly A B from C now.

BY MR. DAVENPORT:

Q You know what year this is? A No sir, I don't.

Q You made a crop over there before the Government took charge of the reservation just after the war? A I made it over there after the war.

Q You didn't make it after the Government took charge of the reservation over there did you, and took in that land?A No sir, I reckon not.

Q The Government wasin chage of that land wasit? A No sir, I don't reckon, I don't know.

SANDY JOHNSON,being sworn, and examined by the Commission, testified as follows:

BY THE COMMISSION:

Q What is your name? A Sandy Johnson.

Q What is your age?A About 58 I guess.

Q Whatis your post-office address?A Fort Gibson.

Q Are you acquainted with the applicant, Buck Rider?

A Yes sir.

Q When did you first learn to know him? A It was along before the war; boys, pretty near growed up together.
Q How longbefore the war?A I guess ~~two or three~~ three or four or maybe sevenor eight years.
Where was he living at that time? A Up there in the Cherokee Nation, near Evansville.
Q Did you leave the Cherokee Nation at the outbreakof the war, between the United States and the confederacy? A No sir, I didn't.
Q You know whether he left? A Buck, no sir.
Q You know thathe did go or didn't? A Didn't go.
Q How long did hecontinue to live there in Flint District? A I don't know exactly how long he continued to live there. Along in during the war we was here in Government service together, teamsters.
Q At Fort Gibson? A Yes sir.
Q Was he down here with you at that time? A Yes sir.
Q How long did you remain here? A I remained here until now.
Q All the time? A Yes sir.
Q Did he remain here? A No sir.
Q Where did hego? A Went over here to the Chickasaw Nation.
Q Did you ever see him after he went to the Chickasaw Nation? A Yes sir.
Q When? A I saw him along about '73 was my first sight after he left.
Q Where was he living then? A Chickawa Nation he said.
Q Were you down there? A No sir.
Q Was he up here?A Yes sir.
Q Did he remain here any lengthof time? A No sir, only visiting, his little sister had died-
Q Where did you see him the next time? A It was two or three years later, I never did see him any more until Wallace court was in session.
Q Come from the Chicksaw Nation then? A Yes sir.
Q That is the last time you saw him until the present time? A No sir, I saw him at the Clifton court.
Q Was that the last time you saw him until this time?A Yes sir.
Q You know what time he left the Cherokee Nation to go to the Chickasaw Nation? What year was it now? A He left here in the fall of '66.
Q Sure about that? A Yes sir, I am sure about that.
BY MR. DAVENPORT:
Q Whatmakes you remember, Sandy, that it was in the fall of '66
A What makes me remember, me and my step-father took up a piece of land out here that the soldiers had broke up, and they left it there and we taken it up in the spring of '66, and planted corn there, and I hired this man to help me plant the corn and partly work it, and he had to quit, and said he was going to the Creek Agency. And after that I heard he was gone on to the Choctaw Nation, and he married a Choctaw woman and was gone there, and I never heard of him any more until I heard of him in the Choctaw Nation, in the Chickasaw Nation in other words.
Q When did he leave here to go to the Creek Agency? A It was in'66, along in July or August. It was before the sitting of the General Council at Tahlequh in '66, along in the fall just a few days before; we were allpreparing to go up to the General ~~[illegible]~~ sitting of Council to hear the treaty explained, and he got off just before that.
Q Went off before the treaty did he?A That is, before the explaining of the treaty; they called the Cherokee Nation together to explain the wording of the treaty.
Q Had he married before he left here for the Chicksaw Nation?
A Yes sir.
Q Married a Chickasaw woman and they moved away and went on over there?A Yes sir. Charley Willis' father married them.

MOSES JOHNSON, being sworn, and examined, testified as follows:
BY COMMISSION:
Q What is your name? A Moses Johnson.
Q How old are you? A 47.
Q What is your post-office address? A Fort Gibson.
Q You acquainted with the applicant, Buck Rider? A Yes sir.
Q When did you learn to know him? A I knowed him in '63.
Q ~~xxxxxxxx~~ That the first time you saw him? A I knowed him before that; I knowed him ever since I wasbig enough to know anything.
Q Where was he living whenyou first knew him? A In Flint District, where I was raised.
Q Did you leave Flint District during the war between the United States and the South? A Yes sir.
Q Where did you go? A Fort Gibson.
Q Did he leave at that time? A Yes sir.
Q Where did he go? A Come to Fort Gibson.
Q How long did he remain here? A Up until the fall of '66 and in the fall of '66 he left.
Q Where did he go? A Choctaw Nation he said, I don't know.
Q When did you see him again after that? A I never seen him no more until '73., and he come here and got an orphan girl, a niece of his.
Q When did you see him next? A About '87, about the time Joel Mayes took his seat.
Q Did you see him after that? A Once since that.
Q When was that? A Time of the Clifton enrollment here.
Q And since that time you never have seen him until he came this time to apply forenrollment? A Never saw him any more until I shook hands with him a bit ago.
Q You are positive he never left until the fall of '66? A I am positive of that.
BY MR. DAVENPORT:
Q It was sometime during cold weather in '66 he left? A No sir, it was late in the fall.
Q Was it some time before or after Council convened? A It was about that time; they convened in November.
Q Sandy had it down about right whenhe said they left just before they went up there to hear the treaty explained? A I don't know nothing about what Sandy told; I only know what I know.
Q I asked you is that about right? A I am telling you about what I know.
Q Did he leave here before the Council convened to explain the treaty to the people at Tahlequah? A I don't know.
Q He has never lived here since, to your knowledge? A No sir.

1880 authenticated roll, Wallace pay roll and Kern-Clifton roll of citizens of the Cherokee Nation examined for applicant and name not found thereon.

COMMISSION: Buck ~~Xxxxx~~ Rider applies for the enrollment of himself as a Cherokee Freedman. He is not identified upon any of the tribal rolls in the possession of the Commission. He avers that he was an applicant before the Wallace court. That roll has been examined and his name is not found thereon. He claims to be a slave of Pelly Rider, who was a Cherokee Indian. From his own testimony and the testimony of the witnesses, it would appear that he left the Cherokee Nation in the fall of '66, and went to the Creek Nation, where he has remained one year, and then went to the Chickasaw Nation, where he has been living since, continuously; he lives there at the present time. For the further consideration of the Commission his name will be placed upon a doubtful card, and he will be listed for enrollment as a Cherokee Freedman. When the decision of the Commission is finally rendered he will be

Buck Rider 5

~~kixis~~ notified in writing at his present post-office address.

---- -******-----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this October 9th, 1901.

Commissioner.

D

FD1072

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 27 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Sept. 27, 1901.

Post Office Okla, I.T.

District Chickasaw Nation

1. Name Buck Rider Age 60

Owner's name Polly Rider Citizenship Cherokee

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owners name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Doubtful

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Doubtful

Application made by No Stenographer W. F. Green

No Trace on any Tribal Roll in the possession of the Commission

A.H.M.

Cherokee Freedmen D-1072 .

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Buck Rider as a Cherokee Freedman.

D E C I S I O N .

The record herein shows that on September 27, 1901, Buck Rider appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of himself as a Cherokee Freedman.

The evidence herein shows that the applicant, Buck Rider, at the commencement of the war of the rebellion, was the slave of a Cherokee citizen, and resided in the Cherokee Nation from his birth until the fall of 1866, and since that date, has continuously resided within the domain of the Five Civilized Tribes.

It is, therefore, the opinion of this Commission that the said Buck Rider should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner .

Muskogee, Indian Territory,
this MAY 1 3 1905

32 C7D1072

IN RE
THE DEATH OF
Buck Rider,
a citizen of the
Cherokee Nation.

Approved AUG 23 1904 190

Commissioner

FILED
AUG 23 1904
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Buck Rider (Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided at or near Okra (Here insert name of postoffice), Ind. Ter., and died on the 24th day of July, 1904.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern DISTRICT.

I, Melvinia Williams, on oath state that I am 36 years of age and a citizen, by Freedman, of the Cherokee Nation; that my postoffice address is Okra (Here insert name of postoffice), Ind. Ter.; that I am Niece (State relationship as: the father; an uncle; a cousin, etc.) of Buck Rider (Here insert name of deceased), who was a citizen, by Freedman, of the Cherokee Nation; and that said Buck Rider (Here insert name of deceased.) died on the 24 day of July, 1904.

Melvinia Williams

WITNESSES TO MARK:

(Must be Two Witnesses) { G. A. Spuall. C. Officer

Subscribed and sworn to before me this 17 day of Aug 1904.

My Commission Expires July 30th 1907

W. A. Smith Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, DISTRICT.

I, Jennie Williams, on oath state that I am 60 years of age, and a citizen by Chickasaw Freedman, of the Chickasaw Nation; that my postoffice address is Okra (Here insert name of postoffice), Ind. Ter.; that I was personally acquainted with Buck Rider (Here insert name of deceased.) who was a citizen, by Freedman, of the Cherokee Nation; and that said Buck Rider (Here insert name of deceased) died on the 14 day of July, 1904.

Jennie Williams

WITNESSES TO MARK

(Must be Two Witnesses) { G. A. Spuall. C. Officer

Subscribed and sworn to before me this 17 day of Aug 1904.

W. A. Smith. Notary Public.

IN RE
THE DEATH OF

a citizen of the

Nation.

Approved Sept 13 1904

Commissioner

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Buck Rider (Here insert name of deceased.)

a citizen of the (Freedman) Cherokee Nation, who formerly resided at or near Okra (Here insert name of postoffice), Ind. Ter., and died on the 24 day of July, 1904.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, DISTRICT.

I, Melissa Williams, on oath state that I am about 44 years of age and a citizen, by Freedman, of the Cherokee Nation; that my postoffice address is Okra (Here insert name of postoffice), Ind. Ter.; that I am a Niece (State relationship as: the father; an uncle; a cousin, etc.) of Buck Rider (Here insert name of deceased), who was a citizen, by Freedman, of the Cherokee Nation; and that said Buck Rider (Here insert name of deceased.) died on the 24 day of July, 1904. Melissa Williams his

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 8 day of Sept 1904.

[illegible] Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, DISTRICT.

I, Jennie Williams, on oath state that I am about 65 years of age, and a citizen by Freedman, of the Cherokee Nation; that my postoffice address is Okra (Here insert name of postoffice), Ind. Ter.; that I was personally acquainted with Buck Rider (Here insert name of deceased.) who was a citizen, by Freedman, of the Cherokee Nation; and that said Buck Rider (Here insert name of deceased) died on the 24 day of July, 1904. Jennie Williams her mark

WITNESSES TO MARK:

(Must be Two Witnesses) [illegible] G. N. Newberry

Subscribed and sworn to before me this 8 day of Sept 1904.

[illegible] Notary Public.

MAR 2

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

[illegible]

[illegible]

My [illegible]

Monroe St [illegible] near
[illegible]
[illegible]
[illegible]

(C O P Y)

Okra, I. T., February 23, 1904.

Mr. Bixby,

Muskogee, I.T.

Sir.

hear is my word Melvina Williams is my only beloved nease She is the only one I have got. her mother was name Susen she lived wright back of the forte and she moved up on the 14 mile creek and thare is whare She died at. She was my sister All from yours Truly Buck rider

I am myseff disable to come Buck rider

Okra I T

Cherokee Freedman
D-1072.

Muskogee, Indian Territory, May 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for the enrollment of Buck Rider as a Cherokee freedman.

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tibbles

Chairman.

Incl. L-72.

COPY.

Cherokee Freedmen

D-1072.

Muskogee, Indian Territory, June 3, 1905.

A. C. McRea,

Attorney for Buck Rider,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 16, 1905, rejecting the application for the enrollment of Buck Rider as a Cherokee freedman.

You are advised that no allotment selection cannot be made for the said Buck Rider until his name has been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which you will be duly notified.

The records of the Commission show that the said Buck Rider died on July 14, 1904, and, as the records of the Commission fail to disclose the name or address of any relative of the said Buck Rider, you are requested to notify his heirs, if any, of this decision.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Incl. S-37

[illegible] 5/16/02

Book Farm

A [illegible]

[illegible] 1892

A S McRae

Cher Fr 1460

Trans. from Cher Fr D 1098

Cher Fr 1460

Cherokee Freedman D-1098.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Willie Musgrove, as a Cherokee Freedman.

Chr' F. D. 1098.

Commissioner.

'JOST, Apr. 1901

Enclosed find a copy of the Kansas Tribune, Civilized Tribes Citizen, and Indian Journal, and that the correctly
any kind and character, and the case, in this
chronologic
notes ignored.
ignored the testimony and procedure in the Kansas Tribune Civilized Tribes citizen and Indian Journal
tender to the Commissioner, point first duly
recorded to the testimony and procedure in the
motes ignored. is a true and complete transcript of the
Enclosed find a copy of the Kansas Tribune and Indian Journal, Civilized Tribes citizen and Indian Journal
Respectfully

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
RECEIVED
NOV 11 1901

'ATLIS SMOKOS CNO ATLA OLD ATLA ,MPO ,IT IS AS TO THE
'ATLIS SMOKOS CNO ATLA OLD ATLA ,MPO ,IT IS AS TO THE
Dear Sir:
I do not hesitate to ,bood ,IT
Dear Sir:
I do not hesitate to ,bood ,IT
Dear Sir:
I do not hesitate to ,bood ,IT

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 29th, 1901.

In the matter of the application of Willie Musgrove for the enrollment of himself as a Cherokee Freedman; said Musgrove being sworn and examined by Commissioner Breckinridge, testifi ed as follows:

APPEARANCES:
Mr. I. P. Bledsoe, Agent for Applicant;
Mr. J. S. Davenport, of Counsel for Cherokee Nation.

Q What is your name? A Willie Musgrove.
Q How old are you? A I don't know just exactly how old I am; I was about the year the war closed, sometime in the first part of the year.
Q Early in 1865? A I guess that is the year, I don't know.
Q What is your post office? A Geffeyville, Kansas.
Q Do you live in the Cherokee Nation? A Yes, sir.
Q In what district do you live? A I live in Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir- that is the way I have been.
Q Do you want to apply for anybody besides yourself? A No, sir.
Q Just yourself? A Yes, sir.
Q Are you on any of the rolls of the Cherokee Nation?
A I am on the wallace roll and on the Kern-clifto n roll.
Q Give me the name of your father? A Tuck Musgrove.
Q Is he dead? A Yes, sir.
Q Gi ve me the name of your mother? A Ruthe Morgan.
Q Is she dead? A Yes, sir.
Q What district were you in when the Wallace roll was taken?
A Cooweescoowee.
Q Were you alone at that time? A Yes, sir.

1880 Authenticated roll and 1896 census roll of Cherokee Freedmen examined and applicant's name not found thereon.
Wallace Roll of Cherokee freedmen examined and name of applicant found thereon, page 175, #3271, Wm. Musgrove, Cooweescoowee district.
Kern-Clifton Roll of Cherokee Freedmen examined and name of applicant found thereon, page 152, #3773, Will Musgrove, Cooweescoowee district.

Q How long has your father beend ead? A Well, I don't know just exactly how long it has been, but I think since the 1880 roll was made, or the 1880 roll payment I don't know which.
Q How long has your mother been dead? A She has been dead ever since I was just baby-like.
Q You are not on the 1880 roll you think? A No, sir.
Com'r Breckinridge: There is a William Musgrove identified on the 1880 roll but it is distinctly identified as of a different family of the applicant. The applicant was alone and the William Musgrove identified on this roll is with several members of his immedate family.
Q Was your f ather on the roll of 1880? A Yes, sir, I thi nk he was.
Q Did your father have any name besides Tuck? A Yes, sir.
Q What was it? A Joshua.
Q Did he have a wife living with him in 1880? A I think he did.
Q What was her name? A I don't know; he didn't have me with him.
Q Were you a slave while the war was going on? A At the close of the war?
Q You were born along about '64, possibly '65; do you know whether your father was a slave? A Yes, sir.
Q Here in the Cherokee Nation? A Yes, sir.
Q To whom did he belong? A Willie Musgrove.

Q Was she a recognized citizen of the Cherokee Nation? A I suppose she was, she was called a Cherokee.
Q Where did she live? A I don't know, I am too young to know anything about that.
Q You don't know as a matter of family information where the old home was? A No, sir.
Q Your was was she a slave in the Cherokee Nation at the time the war broke out? A No, sir.
Q She was not? A No, sir.
Q Where did she live at the time the war commenced? A Lived in below here, about Fort Gibson, or Fourteen Mile Creek.
Q You say she was not a slave, what was she? A She was a Cherokee by blood.
Q Where have you lived all your life, where were you born?
A I was born in the Cherokee Nation.
Q And where have you lived? A I have lived in this Nation.
Q All your life? A Ever since I could remember.
Q You have no recollection of living anywheres else?
A No, sir, not since I was big enough to remember.
Q You weren't taken out during your childhood? A Yes, sir.
Q Where were you taken? A I was taken north.
Q To Kansas? A Yes, sir.
Q And when did you come back? A I don't know myself, I come back with the man that brought me back, that raised me.
Q You have no recollection of that? A No, sir, could not.
MR. BLEDSOE: Who have you been living with, William, ever since you could recollect? A Peter Hudson.
Q Do you recollect anything about when you first commenced living with Peter? A No, sir.
Q You were with him and he raised you? A Yes, sir.
Q From that time to this? A Yes, sir.
Q And from your best recollection you was brought back to the country by Peter Hudson? A Yes, sir.
Q You have no recollection of your mother? A No, sir, not any.
Q Well, do you recollect your father, who he was, or were you old enough tat his death to recollect him? A Yes, sir.
COM'R BRECKINRIDGE: Why are you not on the roll of 1880?
A I don't know unless it was because I was raised by a family that they didn't recognize at that time.
Q Was that a Cherokee family or Cherokee Freedman?
A TCherokee Freedman.
Q And they weren't recognized at the time? A No, sir.
Q You think you were just shold out with them? A Yes, sir, that is the only way I see.
Q Did you ever make application to be admitted as a citizen of the Cherokee Nation to the Cherokee Council or Citizenship Court?
A I didn't, but the old man that raised me did.
Q Did he make application for you? A Yes, sir; he tried to.
Q When was that? A I don't know, I was too small to know anything about that.
Q Was application ever made to the Dawes Commission for you to be admitted as a citizen in 1896; I am not asking about being admitted on the roll, but when the Commission was sitting as a Court in 1896, to be admitted as a citizen; was any such application made for you? A I don't know.
Q Five years ago? A No, sir; let's see, not as I know of.
Q Have you ever been a party to any proceedings in any Court to get your rights as a Cherokee citizen? A Not ~~makes~~ until the Wallace Court come.
Q That is so far as you know? A Yes, sir.
Q And any except that, except to get on the Kern-Clifton roll?
A Yes, sir, I went before that Court.
Q Is that all? A Well, when the Cherokees took the census after the Kern-Clifton .

Q In 1896? A Yes, time I went to the place where they was taking the census cand because I made application there they could not take me.
Q Why? A Because I didn't appear on the 1880 roll.
Q What do you say was the name of your mother? A Ruthe Morgan.
Q How old was your mother when she died? A I don't know anything about that.
Q Do you know whether she is on any of the old rolls of the Cherokee Nation? A No, sir, I don't know; she must be, she is a Cherokee.

MR. DAVENPORT: Where was your mother when she died, Will?
A She was in Kansas.
Q Do you know what point? A Up around near Fort Smott there somewhere.
Q Do you know where your father is, or do you know who your father was? A Yes, sir, he lived in the Nation.
Q Well, did you ever see him? A Oh, yes, I have saw him.
Q Where is he now, is he living or dead? A He is dead.
Q Was your father and mother ever married or livedtogether as man and wife? A Yes, what they tell me.
Q You don't know of your own knowledge? A They was living together as man and wife.
Q You came back to this country you say with Peter Hudson?
A Yes, sir.
Q You have been living with Peter Hudson since that time? A Yes, sir, until I become grown.
Q Have you any brothers or sisters? A Not as I know of.
Q Have you a family now? A Yes, si r.
Q Wife and children? A Yes, sir, she has got one child, had before I married her.

MR. BRECKINRIDGE: What is your wife? A She is a Cherokee Freedman.
Q Has she been enrolled regularly? A Yes, sir.
Q She is not a doubtful citizen? A No, sir.
Q What is her name? A Well, I marriedher she had been married before to Walter Whitmire.
Q Has she been enrolled by this Commission, at the present time making the roll? A Yes, sir.
Q Under that name? A Yes, sir.
Q Your mother was warried out of here to Kansas during the war?
A Yes, sir.
Q And was there before you can recollect? A Yes, sir.
Q But you were born before she was carried out? A Yes, sir.

PATSY JOHNSON, being duly sworn and examined by Commissioner Breckinridge, testified as follows on part of applicant:
Q Give your full name? A Patsy Johnson.
Q How old are you? A 66 years old.
Q What is your post office? A Locust Grove.
Q Xxx Here in the Cherokee Nation? A Yes, sir.
Q How long have you lived in the Cherokee Nation?
A Oh, ever since we come to this country.
Q That was when the Cherokees came? A Yes, sir.
Q From Georgia? A Yes, sir.
Q What are you, cherokee by blood? A Cherokee by blood.
Q What are you, full blood? A Well, I ain't full blood.
Q Nearlyfull blood, are you? A Pretty near.
Q Do you know this applicant here, Will Musgrove? A Yes, sir.
Q How long have you known him? A Ever isince he was born.
Q Did you know his mother? A Yes, sir.
Q Give me her name? A Ruth Morgan.
Q What was she? A Cherokee by blood.
Q Was she full blood? A No, sir, she mixed blood, her mother was Cherokee, her daddy was Cherokee, and her mother mixedblood, White and Black.
Q Ruth Morgan was not a slave? A No, sir.

Q Was she recognized as a Cherokee citizen? A Yes, sir.
Q Was she on any of the Cherokee rolls? A She was on the old Settler roll.
Q When was that roll taken? A I don't know when we first came to the Nation when they paid the old Settlers for their coming from Georgia, when they paid them $250.
Q For moving? A Yes, sir.
Q Do you know that this man xx is a son of Rutha Morgan? A Yes, sir.
Q Do you know anything about Rutha Morgan ever having been married to one Musgrove? A No, sir, she was not legally married.
Q Did she ever live with any other man before she lived with this man, Tuck Musgrove? A No, sir.
Q Did he ever live with any other woman before that? A He lived with a woman what we raised from a little baby.
Q How long did Rutha and Tuck live together? A They lived together good long; I can't tell I never was in around them.
Q Down until Rutha died? A No, si r.
Q They separated did they? A Yes, sir.
Q Was Tuck a slave here in the Cherokee Nation?
A Yes, sir, he was a slave owned by Sallie Musgrove in Going Snake district.
Q Did you know her as a Cherokee citizen? A Yes, sir.
Q When did Tuck Musgrove die? A Well, I don't know, can't tell you the date.
Q Did he die before the roll of 1880 or afterwards? A I don't know, sir, when.
Q H as he been dead a long time? A I never inquired and I could not tell you, never paid no attention, they just said Tuck Musgrove is dead and that is all I know.
Q And you don't know how long ago that was?
A No, sir, I don't.

COM'R BRECKINRIDGE: The applicant applies for the enrollment of himself as a Cherokee Freedman. He has no recollection of his status during the war, he being know, according to his testimony, 36 years of age, and claims that his father was a slave of a Cherokee citizen and living in the Cherokee Nation during the Civil war and died before the roll of 1880 was made, and his mother was a Cherokee citizen of Cherokee blood and not a slave. It is not determined when his father returned to the Cherokee Nation from Kansas where he was taken during the war, and it is not determined that there was a lawful marriage between the applicant's father, a slave, and the free woman, who seems to have been his mother. The fact of his being the child of this Cherokee woman, Rutha Morgan, is quite satisfactorily established. The applicant is identified on the Wallace roll and on the Kern-Clifton roll, but he does not claim to be upon any other roll. The roll of 1880 has been carefully searched and his name is not found thereon, and he states distinctly that he was refused enrollment in 1896. His father is not identified on the roll of 1880, and died too early to be upon any subsequent roll. The applicant will now be listed for enrollment as a Cherokee Freedman upon a doubtful card for the further consideration of his case.

It appears that if he had a satisfactory claim as a Cherokee Freedman it will have to be shown that his father returned to the Cherokee Nation within the period described by the treaty of 1866, and that there was a satisfactory marriage between the applicant's father and mother; but he may have a claim as a Cherokee by blood and may have been rejected at the time of the enrollment of 1880, because being an orphan, as he states or at least living with a family not immediately hiw own that was of questionable status, he was rejected with them. It remains to be considered whether being legally enrolled only as a Freedman

he could under the Act of May 31st, 1900, at this ti me possess any status as a Cherokee by blood. If not prescribed by that statute it may be necessary to inquite as to the right he may possess through his mother, who, it is stated ,is upon some of the very old Cherokee rolls.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this November 7th, 1901.

Commissioner.

DEPARTMENT OF [illegible]
COMMISSION TO THE [illegible] UNITED STATES
FILED
OCT 30 1981

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Oct. 29, 1901.

Post Office Leoffuville, Kansas

District Leavenworth

1. Name Willie Musgrove Age 36

Owner's name Citizenship

Year Wall Page 175 No. 3271 District Leav.

Parents:

Father Luck Musgrove dead Citizenship Colored Cit

Mother Rustin " " dead Citizenship Cherokee cit

2. Name of wife Age

Owners name Citizenship

Year Page No. District

Parents:

Father Lallie Musgrove owner Citizenship

Mother Cherokee by blood Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Doubtful

Application made by No 1. Stenographer John O. Rosson

No. 1 on Wall Roll as Wm Musgrove.
No. 1 on H. C. Roll 2.152 No 3773. Will Musgrove, Leav

Evidence of marriage required between parents of applicant

Applicant represented by Denis A. P. Bledsoe

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 8th, 1901.

In the matter of the application of Peter Hudson for enrollment as a Cherokee freedman; he being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith, attorneys for the applicant;
W. W. Hastings, attorney for the Cherokee Nation.

(Examination by Com'r Needles)

Q What is your name? A Peter Hudson.
Q How old are you? A I don't know sir, how old I am.
Q Well, about how old are you? A 70 or 75.
Q What is your postoffice address? A Ruby.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who do you desire to have enrolled besides yourself? A Just myself
Q Is your name on the 1880 roll? A I don't know sir.
Q Is it on any of the rolls of the Cherokee Nation?
A On the Wallace and Kern Clifton rolls.

The Kern Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 144 No. 3564, Peter Hudson, Cooweescoowee district.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 118 No. 2492, Peter Hudson, Cooweescoowee district.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

By Mr. Mellette:

Q Were you a slave prior to the war? A Yes sir.
Q Who owned you? A Susie Hudson.
Q Was she a Cherokee Indian? A yes sir.
Q Where did she live? A On Neosho River.
Q Did you leave the Cherokee Nation during the war? A Yes sir.
Q Where did you go? A To Kansas.
Q What place? A Fort Scott.
Q When did you return to the Cherokee Nation?
A I came back in the spring on '66.
Q Where to? A On Hudson creek.
Q Where is that? A East of here, runs into Neosho river.
Q Where have you lived since you came back here in 1866?
A Part of the time on Hudson creek, and my home part of the time has been on Big creek.
Q Have you ever been out since you came back in '66? A No sir.
Q Have you a place on the public domain of the Cherokee Nation?
A Yes sir.

By Mr. Hastings:

Comes now the representative of the Cherokee Nation and object to this question because it does not tend to prove a complaince of the applicant ~~by~~ with the treaty stipulations.

By Com'r Needles:

The objection is over-ruled--you can ask the question.

By Mr. Hastings: We desire the objection noted.

By Mr. Mellette of applicant:

Q What was your answer to my question ? A I have a place on Big Creek.
Q How long have you owned it? A I don't know -- I can't tell.
Q How many children have you living of your own? A Two.
Q What is the names of your children who are living?
A Sarah and Billy Hudson.
Q How old is Sarah? A She was born before the war.
Q Did she come back the same time you did? A Yes sir.
Q What is the name of the other one? A Billy.
Q How old is he? A Older than she is.
Q Was he born a slave? A Yes sir.
Q Who was her owner? A Susie Hudson.
Q Was Sarah born a slave? A Yes sir.
Q Who was her owner? A Susie Hudson.
Q Did they both come back to the Cherokee Nation with you?
A Yes sir.
Q Who did you come back to this country with?
A Come with me and my family.

By Mr. Hastings:

Q About how old are you? A I don't know how old I am, guess about 77 or 75 years old
Q Where did you live before the war? A On Neosho river.
Q What town is near there now? A I don't know, closest is Baxter Springs I guess.
Q How far did you live from the line--the state line? A I don't know
Q How long did you live up there before the war? A I don't know that
Q You were living there when the war commenced? A Yes sir.
Q When the fighting commenced? A Yes sir.
Q Did Susie Hudson have a husband? A Yes sir.
Q What was his name? A Alfred Hudson.
Q Was he living then? A Yes sir.
Q Did she have any family? A She had a son living then.
Q What was his name? A Thomas Hudson.
Q What kind of a farm did they have? A A prairie farm.
Q What kind of a house did they live in? A Log house.
Q Did it have two rooms? A Two rooms.
Q Where did they get their water, from a spring or a well?
A Spring.
Q Did you know a man called Mr. Hayden then? A In part.
Q Where did he live? A At Mayesville, or down on the line on Arkansas
Q How far was Mayesville from where he lived when the war commenced
A 35 or 40 miles, I guess.
Q How did you happen to get acquainted with Dr. Hayden?
A Well that makes a whole kind of a long talk.
Q Well that is what we will have to have then uncle, for I want to know just how you became acquainted with him?
A Well we had a mighty terrible spell of sickness in the family at

Mayesville, and they used Dr. Hayden as a doctor and we treated them all and then he had to be paid, and in paying him they let him have a nephew of mine named Ben for part pay and he let my old boss have 90 head of cattle in the trade, that is how I come to know him. I don't think it is any necessary use to bother about that any more cause I has got a man here in town that can prove that I was not sold to him myself, it was a nephew of mine. I know that here, Hayden's son that said I was sold but I wasn't.

Q You deny then that you were sold to Dr. Hayden? A Yes sir.

Q Were you living with Hudson or with Hayden when the war commenced

A I never lived with Hayden in my life, no sir, not in my whole life

Q Did you ever work for him? A Not a day in my life.

Q Who were some of your neighbors at the time you lived with the Hudsons when the war commenced?

A There was Jim Odrain that lived within five miles of the -

Q Is that Scott Odrain's father? A I don't know Scott Odrain.

Q Any one else live there? A Thomas Hudson.

Q Is he living? A They tell me he is not.

Q Anyone else outside of the Hudson family?

A A white family lived there named Berry.

Q Any other Cherokee family? A No sir, I don't know of any.

Q Where did you go when the war commenced? A To Kansas.

Q To what town? A Fort Scott.

Q Were you in the army? A No sir.

Q What did you do in Fort Scott?

A Worked around at most any kind of common labor.

Q You just come back with your own family?

A Yes sir, my family and me come together.

Q You didn't have any witnesses in the Kern Clifton court, did you?

A No sir, I made a mistake in that court, I was very deaf and can't hear, and I didn't have any witnesses.

Q Where did you first come to after the war? A On Hudson creek.

Q Was that near the old place? A Yes sir.

Q Right at the old place? A Not right at it.

Q How far from the old place? A 8 or 10 miles on the prairie.

Q From the old place? A Yes sir.

Q Did you build a house there? A No sir, I lived in a tent.

Q No one living around you? A No sir.

Q How long did you stay there? A Can't tell you just how long.

Q Well, about how long? A 8 or 9 months, maybe longer.

Q You came there at what time of the year? A In the spring of the year.

Q Well was it March, April or May?

A Some of those months, I don't know exactly.

Q And you stayed there until after Christmas? A No sir.

Q About what time did you leave there then? A A good while, I don't know when I ~~went~~ went away from that place for I didn't have nothing to study about dates them days.

Q What were you doing there? A I was living up there.

Q Working any? A I didn't work there.

Q Do you mean to say you went up there and just squatted down there and did nothin during those hard times?

A Yes sir, I just lived there, I didn't have any work to do around there.

Q What did you live on there? A Plenty to live on there, a man never needed to starve.

Q Well what did you live on there? A Dennis and Mathew Fields was in there then and come and staid there with me all that time.

Q Were they Cherokees? A Yes sir.

Q Are they dead? A Yes sir, that is what you told me.

Q Did you all live in a house there on Hudson creek?

A No sir, there was not a house to be seen around there.

Q How far from the Kansas line was that? A I don't know.

Q How far from the old Mose Pooler ferry?
A It must have been 10 or 12 miles from where a ferry was, I don't know what ferry you speak of, I know where old Jack McLain had a ferry.
Q Near where the old Military road crossed the river? A Yes sir.
Q How far was it from that? A 10 or 12 miles.
Q Where did you go to from that place?
A I went from there to what is called West Cabin.
Q When you were on Hudson Creek were you on the prairie?
A I was on the creek-- kind of a patch of timber and brush on the creek.
Q You come to West Cabin then - how far from Vinita? A I don't know
Q How long did you stay there?
A Must have stayed there three or four months.
Q Locate the place on West Cabin that you were, as near as you can?
A It has been so long I don't know how to give you the place we settled, there wasn't no one else around there.
Q No neighbors at all? A No sir.
Q Was there any Cherokees there?
A No sir, only the two men that I spoke of that was with me.
Q What two ? A Dennis and Mathew Fields.
Q What did you do for a living there on West Cabin?
A Lived on anything I could get to eat; those men had some stuff and we lived on that and then what we could get around there.
Q You didn't see any white folks there? A No sir.
Q Don't you know who lives there now on West Cabin?
A No sir, I don't know who lives there now.
Q Don't know the town that is located near there now, do you?
A Vinita, I guess, I reckon it is, I don't know.
Q You don't know how far from where Vinita is now it was? A No sir.
Q You don't know in what direction that place is from where Vinita is now? A No sir, north or north east, I guess.
Q You had no colored neighbors there, either? A No sir.
Q Just in a tent, or in a house? A In a tent.
Q And you didn't work there either? A No sir.
Q Where did you go from there? A Went to Big Creek.
Q What time did you land at Big Creek?
A I don't know, I went there in the fall or winter like, though.
Q What year? A I don't know what year, never knew anything about the years.
Q Never did think of the years then did you? A No sir, I thought that I was at home and there wasn't any need of studying about the years; never was educated about the time and the years and never paid no tention to it then; never had to study about it.
Q Did you ever go to Tahlequah to court and get your rights proved up? A Did onced.
Q You were not put upon the roll were you?
A You know if I am upon the roll or not.
Q Since you went up on Big creek, hame you lived there ever since?
A Yes sir, on Big creek.
Q At the same place where you first stopped? A Two miles from there
Was Jim Martin living there then? A I don't know where he was living .
Q Didn't you say before the Vern Clifton court that he was living there? A I said that I found him there.
Q What Cherokees did you see when youwent there? A None.
Q What Delawares? A I saw some but I don't know their names.
Q You saw some though? A Yes sir.
Q You have lived close to Jim Martin ever since? A Yes sir.
Q Where did you see Anderson Lynch after the war for the first time
A They run in on to my camp on Cabin creek after I had left Hudson Creek.
Q Who was with Anderson Lynch? A Al and Crap was together.

Q Any one else? A May have been some one else.
Q You didn't remember that five years ago did you?
A I didn't need to.
Q You never said anything about it then did you?
A You never asked me about it then.
Q Where were they going when they run across your camp?
A I don't know, they never told me their business.
Q How long did they stay with you? A All night.
Q What time of the year was that? A In the fall of the year, winter sometime, I don't know which.
Q And you don't know what year it was either?
A I don't know anything about it.
Q When did you see Sam Webber first? A I saw him on Big Creek.
Q The first time you went there? A Yes sir.

By the Commission:

Q Do you know the reason your name is not on the 1880 roll?
A I don't know the reason, guess they would not put it on.

By Mr. Mellette:

Q The place that you come to in 1866, or after the war, was it the same place that you went from to Kansas? A Ten miles above there
Q Was it in the Cherokee Nation? A Yes sir.

ALLEN LYNCH, called and sworn by Commissioner T. B. Needles testified as follows for the applicant-

(Examined by the Commission)

Q What is your name? A Allen Lynch.
Q How old are you? A 61.
Q What is your postoffice address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Freedman? A Yes sir.
Q Is your name on the 1880 roll? A Yes sir.
Q Do you know the applicant here, Peter Hudson? A Yes sir.
Q How long have you known him? A Before the war.
Q Was he a slave? A Yes sir.
Q To whom did he belong?
A He belonged to old man Hudson on the Neosho river.
Q Was Hudson a Cherokee Indian? A I don't know.
Q Was that in the Cherokee Nation? A Yes sir.
Q He was held as a slave then in the Cherokee Nation? A Yes sir.
Q Do you know if Peter Hudson was taken out or if he went out of the Cherokee Nation during the war? A No sir, I don't.
Q When did you see him after the war? A On Cabin Creek.
Q In the Cherokee Nation? A Yes sir.
Q When was that? A In the winter of '66.
Q In the early part or the latter part of the winter?
A In the fore part of the winter.
Q Where has he been living since?
A I passed his house once since he lived there.
Q Did he have his family with him that first time you saw him?
A Yes sir.
Q Was he living in a house then? A Camped with his family.

By W. W. Hastings:

Q What place on Cabin creek did you see him?
A Just below the Schrimsher place.

Q How far below it? A I don't know exactly, we were hunting there and run on to him.
Q How far from your place? A 17 or 18 miles.
Q Was he just camped in a tent? A Yes sir, camped and had his wagon-- I don't remember if he had a camp.
Q How long did you stay there? A Not over an hour.
Q Where were you going hunting?
A The country was sparsely settled then and we hunted all over there.
Q As early as '66 were you not a good ways from home on a hunting trip? A No sir, we lived at the mouth of Lull creek then.
Q Couldn't you have hunted nearer home than that?
A Yes sir, we could have.
Q You didn't appear as a witness for Mr. Hudson five years ago, did you? A No sir.
Q Didn't you remember this fact then? A Yes sir.
Q You remember that it was in the winter of '66? A Yes sir.
Q You never saw him for a number of years after that? A No sir.
Q And you were just up there hunting and happened to run on to him?
A Yes sir.
Q Did uncle Peter give you anything for testifying for him?
A No sir, not a cent.
Q Didn't you tell him about having seen him up there? A No sir, he asked me if I was not one of the fellows that had been up there hunting that time and come across his camp.
Q Who else was with you that time? A Crap and Art Williams, Bob Downing and Alex Hawk.
Q Was this last one a colored man or a Cherokee? A Cherokee.
Q Any one else along? A Yes, Mose Whitmire.

ANDERSON LYNCH, called and sworn as a witness testified as follows for the applicant: (Examined by Com'r Needles)

Q What is your name? A Anderson Lynch.
Q How old are you? A 64.
Q What is your postoffice address? A Vinita.
Q Are you a recognized freedman of the Cherokee Nation? Yes sir.
Q Are you on the roll of 1880 A Yes sir.
Q Do you know the applicant, Peter Hudson? A Yes sir.
Q How long have you known him? A Since before the war.
Q The war between the North and the South? A Yes sir.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A To the Hudsons.
Q Were they Cherokee citizens? A Yes sir.
Q Was it in the Cherokee Nation that you knew him? A Yes sir.
Q Do you know if he went out of the Cherokee Nation during the war?
A He must have went out, when I saw him next it was in Kansas.
Q During the war? A Yes sir.
Q What point in Kansas? A Fort Scott, where we all broke up at.
Q Do you know when he returned to the Cherokee Nation?
A No sir, I don't.
Q When did you first see him after the war?
A I saw him on little cabin.
Q Is that in the Cherokee Nation? A Yes sir.
Q What year was that? A That was long in the winter of '66.
Q Fore part or latter part of the winter? A In the fore part.
Q Where did you see him? A The other side of Vinita, on Cabin.
Q Did he have his family with him? A Yes sir, there were several in a wagon, I never noticed them much.
Q Were they in a house? A No sir, not in a house.
Q Do you know if he has lived in the Cherokee Nation ever since that time continuously? A Yes sir, I have heard of him up on Big Creek.

Q Have you ever seen him since? A Yes sir, at Goose neck.

By W. W. Hastings:

Q Where did you see Peter Hudson before the war? A At Fort Scott.
Q Was that the first time that you ever saw him?
A No sir, on Hudson creek.
Q You never saw him up to the time the war came up did you?
A No sir.
Q Then your testimony as to his ownership before the war was simply what you knew about it some years before the war? A Yes sir.
Q You didn't know him just at the time the war came up?
A I didn't see him then, I knew him though.
Q But you had not seen him for several years before the war come up, had you? A No sir, until I saw him at Fort Scott.
Q What direction was it from Vinita that you saw him that time you were hunting? A East of Vinita, below John Landrum's place.
Q How many miles from Vinita? A Two miles.
Q Did John Landrum have a house up there? A There was a house owned by the Landrum's there was a Cherokee fellow with us and he said that was the John Landrum place.
Q Two miles from Vinita? A Yes sir, where Battles is living.
Q You saw a house there? A Yes sir, a log house.
Q How long did you stay there? A Not over two hours.
Q Have you a positive recollection as to the year it was?
A Yes sir, in '66, in the winter.
Q Do you remember all the people that you saw in '66?
A Yes sir, I remember a good many.
Q Are you willing to swear that this man was there two miles east of Vinita on Cabin creek in the winter of '66? A Yes sir.
Q What were you doing up there? A Hunting.
Q Who was with you? A Bob Downing, a Cherokee fellow we called Josiah Doublehead, Al and Art Williams.
Q Was that all? A That is all that I can remember.
Q Did you come on hunting this way? A Yes sir, we come on this way.
Q In the same country he was in? A Yes sir.
Q How far was that from your home? A 4 or 5 miles, I reckon.
Q From your home? A Yes sir.
Q Did he have any farm there? A No sir.
Q You don't know how long he had been there? A No sir.
Q You don't know what he had been doing? A Just have been traveling
Q How much has he given you for testifying in his case?
A Nothing as I know of.
Q You would know it if he had wouldn't you? A Yes sir.
Q Did he promise to pay you anything?
A No sir, he will pay me enough to pay my board with anyway I guess.
Q Have you got a contract with him for pay? A No sir.

By the Commission:

Q There was no town of Vinita was there when you saw this man?
A No sir, no town or railroad.

SAM WEBBER, called and sworn testified as follows on the part of the applicant: (Examined by the Commission)

Q What is your name? A Sam Webber.
Q What is your postoffice? A Nowata.
Q What is your age? A 61, I reckon.
Q Are you a recognized Cherokee freedman? A Yes sir.
Q Do you know the applicant, Peter Hudson? A Yes sir.
Q How long have you known him? A Got partly acquainted with him before the war and better after the war.

Q Was he a slave? A He told me he was.
Q You don't know of your own knowledge to whom he belonged? A No sir.
Q Did he go out of the Cherokee Nation during the war?
A Yes sir, to Fort Scott.
Q When did you see him after the war and where? A On Big Creek.
Q In the Cherokee Nation? A Yes sir.
Q About when was it? A As near as I can remember it was in the fall of '67, long in hay time, when we was putting up hay.
Q Where at? A Big Creek, Cherokee Nation.
Q Was he living there then?
A No sir, just come and looked after a location to make him a home.
Q That was the first time you saw him after the war? A Yes sir.
Q Do you know when he first came back? A No sir.
Q That was in the fall of '67 that you saw him?
A Yes sir, that was when he come up there where we was.
Q He came where you were? A Yes sir.
Q Who was with him when you saw him?
A I don't remember, several of us were living there.
Q He came to where you were living did he? A Yes sir.
Q That was on Big Creek? A Yes sir.

APPLICANT re-called and examined by W. W. Hastings:

Q I want to know as near as possible how far from the old Hudson place you returned to in the spring of '66 -- as near as you can give it? A Them things is pretty hard fro me to get at, old man as I is, traveling around and with no education. Seems to me creek runs round to the south west --
Q I mean where you first stopped from the old home place?
A Must have been a little south west of the old home place.
Q About how many miles? A Must have been 8 or 10 miles or 12.
Q Did you go to the old home place?
A I did once to the old home place, after I come down to Cabin.
Q Didn't you go there where the old place was when you were living there those eight months? A No sir.
Q Did you see Jim Odrain there? A No sir.
Q Don't you know if your old master was there then, or not?
A No sir, he wasn't.

By Com'r Needles:

Peter Hudson applies for himself; he is not identified on the authenticated roll of 1880 or the census roll of 1896; he is duly identified on the Kern Clifton and Wallace rolls. He avers that he was a slave of a Cherokee citizen named Hudson and that he returned to the Cherokee Nation in 1866. Said Peter Hudson will be listed for enrollment as a Cherokee freedman on a doubtful card awaiting the further consideration of the Commission, and when the final decision is arrived at he will be notified of the same by mail.

Chas. vonWeise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise.

Subscribed and sworn to before me this the 19th of June, 1901, at Howata, I. T.

(signed) T. B. Needles.

Commissioner.

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I copied the foregoing testimony and that the same is a true and correct copy from the original.

Mattie E. DeWitt

Sworn to and subscribed before me this January 4, 1904.

Charles W. Sawyer
Notary Public.

Cherokee Freedmen D-1098.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 18, 1903.

SUPPLEMENTAL PROCEEDINGS AND TESTIMONY had in the matter of the application of Willie Musgrove for the enrollment of himself as a Cherokee freedman.

It appears that on the 11th day of December 1903, the applicant, his agent, I. P. Bledsoe, and the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on December 18, 1903, and then and there to introduce further testimony touching the matters stated in said letter.

Appearances:- Applicant appears in person;
Cherokee Nation by L. B. Bell.

WILLIE MUSGROVE, being first duly sworn, testified as follows:

BY THE COMMISSION: What is your name? A Willie Musgrove.
Q How old are you now? A I guess I must be about 37 years old.
Q What is your present postoffice address? A Now it is Cedar, I. T.
Q That is your permanent address now? A Yes sir.
Q You don't get your mail at Coffeyville, any longer?
A No sir, I do whenever any comes there, but that is so far away I just got to getting it right there close to home; its only about two miles from home.

PETER HUDSON, being first duly sworn, testified as follows:

BY THE COMMISSION: What is your name? A Peter Hudson.
Q How old are you? A I don't know how old I am; I expect I am seventy years old, maybe older.
Q What is your postoffice address? A Ruby.
Q Are you a recognized Cherokee freedman? A Yes sir.
Q Do you know the applicant, Willie Musgrove? A Yes sir, I do.
Q How long have you known him? A I raised him.
Q What was the name of his father? A The man who said his father was, was Tuck Musgrove.
Q Is he living? A No, he is dead.
Q How long has he been dead? A I don't know.
Q Do you know about how long? A I couldn't tell you, I guess he has been dead 12 or 15 years, maybe longer.
Q Was he a Cherokee freedman? A Supposed to be.
Q Do you know whether or not he was on any of the Cherokee rolls?
A I don't.

Q What was the name of Willie Musgrove's mother? A Morgan.
Q You don't know her given name? A No sir.
Q Is she living? A No sir, she's dead.
Q How long has she been dead? A She must have been dead 30 years or more. I couldn't tell you; I never kept any record of anything like that.
Q She died before the year 1900 you think? A She died during the war.
Q Was she a Cherokee Freedman? A She said she was.
Q Did she have any other blood than colored? A She was a Cherokee.
Q Cherokee by blood? A Said she was is all I know.
Q Do you know whether or not the father and mother of Willie Musgrove went out of the Cherokee Nation during the war? A No sir, I don't.
Q You don't know anything about their whereabouts at that time?
A I have saw him since the war; got slightly acquainted with him since the war.
Q With whom? A With his father, Tuck Musgrove.
Q When did you first know his father or see him? A Tuck Musgrove?
Q Yes. A I couldn't tell you just when it was; it was a good while ago.
Q Could you give any idea how many years ago; how many years after the war? A It has been 27 or 28 years ago; probably longer; I darsn't say it was any longer than that, because I don't know.
Q When did this boy, Willie Musgrove, first come to live with you?
A After his mother died.
Q How long after the war? A I believe the war was going on when that boy come to my house; he was just a child; his mother died when he was just a child.
Q Do you remember if the boy was born before the war? A She fetched him [illegible] the war.
Q How old was he? A Couldn't tell you that, either. He must have been, [illegible], I don't know, he may have been a year old, maybe not so old; he was a boy; I did not keep any record of anything; I don't know nothing about things.
Q Where were you living when she brought him to your house?
A I was living in Fort Scott.
Q Has that boy been with you ever since until he was grown?
A Yes sir.
Q How long did you live at Fort Scott until you came back to the Cherokee Nation? A I didn't live there but a short time.
Q When did you come back? A In '67, is what they tell me. I didn't keep any account; didn't know nothing about it; people that knew it me here said it was '67.
Q Did you bring this boy back with you? A Yes sir.
Do you remember what month in '67 it was? A I think it was old in the fall.
Q Who else came back at that time? A Dennis Fields, Matthew Fields.
Q Did your family come at that time? A Yes sir.
Q Have you been in the Nation ever since? A Yes sir, been here all the time.
Q And Willie has been at your home with you? A Yes sir.
Q Do you know [illegible] Tuck Musgrove [illegible] before the war? A No sir.
Q You don't know anything about [illegible]? A No sir.

By Mr. Bell:

Q What family did you bring back with you--how many? A My wife and two children of mine; the other was a stepchild I had.
Q You had this boy, too? A Yes, alone with me, he was not mine.
Q Now, the two persons you named as having [illegible] you are both dead, aren't they? A I have not seen them for a long time.
Q It has been 20 years ~~xxxx~~ hasn't it? A I guess, maybe so, I don't keep any record of them things.
Q Did you not testify, when you testified in your own case, that they were dead? A I heard they were dead; I do not know; said to be dead; I never----
Q Where did you first come into the Nation when you returned from Kansas? A I come in down by old Louis Bottom, an old Quapaw Indian, crossing and come in on the Hudson Creek.
Q Did you come right down to Tom Hudson's? A No sir, I did not come to his place at that time, but I went there after that. I went up on Hudson Creek.
Q Didn't Tom live right on Hudson Creek? A He lived near the mouth and I was away up Hudson Creek; he was not there when I ~~xxxx~~went there.
Q You do not know anything about this boy's mother and father, then?
A I have seen his mother; I don't remember her name in full; I called her name a while ago.
Q You stated you didn't know anything about them in Fort Scott, did you know them here in the Cherokee Nation? A No, I did not.
Q All you know about them is what they have told you about them?
Q Yes, all I know is what I found out about him in the early day.

BEN GRIMMETT, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Ben Grimmett.
Q How old are you? A I tell you I couldn't tell you exactly; about 70, I guess, maybe older.
Q What is your postoffice address? A Nowata.
Q Are you a recognized Cherokee Freedman? A I guess, to tell the truth that, I guess I am not, no dispute.
Q Do you know Willie Musgrove? A Yes sir.
Q Is he a Cherokee Freedman? A Yes sir, he is a freedman.
Q How long have you known Willie Musgrove? A I knew him when he was a baby, so ~~xxx~~ old lady.
Q What was the name of his father? A Tom Musgrove.
Q Is he living? A No, he is dead.
Q How long has he been dead? A I couldn't tell you.
Q About how long? A I couldn't guess at that; what time he has been dead.
Q Can't you give an idea at all; 50 years or two years or what?
A About six years, I [illegible], maybe more.
Q Is Tom Musgrove a Cherokee Freedman? A Yes sir.
Q When did you first know him? A I knowed him when he was a young man.
Q Before the war? A O, yes, before the war.
Q Who did he belong to? A Belonged to Musgrove.
Q What Musgrove? A I think Charley Musgrove, I think--
Q Where did he live before the war? A He lived there by Joe Vann's, not far from Joe Vann's.

Q In what part of the Nation? A I couldn't tell you the district; I don't know much about the districts, still he lived not far from Joe Vann's.

Q Did Joe Vann live near Vinita, or Tahlequah, or where? A He lived near Tahlequah.

Q Did Tuck Musgrove go out of the Cherokee Nation during the war?

A Yes, he was a soldier.

Q Where did he go to? A I don't know, he went on the Northern side

Q He went with the Union army did he? A Yes sir.

Q Did he come back to the Cherokee Nation after the war? A Yes, just after they discharged him he come back.

Q Do you know at what time he come back--how long after the war was over? A It must have been in '66; I know I was living at Pryors Creek when he come home and that was in '66.

Q What time of the year? A I couldn't tell you what time it was. I don't know nothing about dates much, but I know where I was living, was in '66, that is what they tell me.

Q Did Tuck Musgrove come back with any other freedmen at that time?

Q When he come back he come back to Gibson.

Q When you saw him at Pryor Creek, as you say, in '66, who was with him? A He was by himself; I was living there at Pryors Creek; they always come around me when----

Q Did you talk with him? A Oh, yes sir, stayed all night there.

Q Did he say he had just got back? A Yes sir, just come back after he got discharged.

Q Do you know that he came back at that time to make his home here or just come back and went away again? A No sir; come back to make his home here; never did go back. I always seed him all the time; I don't think he went back; I know he didn't.

Q Did you know Willie Musgrove's mother? A I used to see her when she was a young girl.

Q What is her name? A I couldn't tell you her name. It has been so long, but she told me about her people. Zeke Bolling, that was his granddaughter, I think.

Q You first knew her before the war, did you? A Yes, she was Morgan's gal then.

Q Was he a Cherokee by blood or a freedman? A The [illegible] belonged--was half darkies; but free darkies; there was a heap of them--Cherokees, I think. They drawed more with the Cherokees.

Q [illegible] slaves or [illegible]? A [illegible], they were [illegible] slaves.

Q You mean to say they were [illegible] Cherokees?

A Yes sir.

Q When did Tuck Musgrove [illegible] to your knowledge? A I couldn't tell you that.

Q Did you ever know if they lived together?

A Yes sir, they lived together [illegible]

Q [illegible] what?

A He had a gal but I couldn't tell where he was livin, never did ask him.

Q Where did Willie Musgrove's mother live?

A Well, I wasn't there when she died.

Q Do you know what year it was when the war broke out?

A Just after the war I think that is the time she died.

Q About how long after the war? A Well, I couldn't tell how, I tell you they had one side and I was [illegible] that is the reason I couldn't tell you.

Q Where was she living when she died? A I couldn't tell you that, but she must have been living somewhere in the Nation, I couldn't tell.

Q Do you know anything about whether or not she was [illegible] the Cherokee roll? A His mother?

Q yes, Willie Musgrove's mother? A No, I don't know that.
Q Do you know whether Tuck Musgrove was ever enrolled or ever drew money? A Yes sir, I think so.
Q What rolls does his name appear on? A I couldn't call it, but he was a recognized man.
Q Do you know whether he was on the 1880 roll? A I think he was.
Q Under what name, Tuck Musgrove? A Yes, I think so.
Q In what district did he live when the 1880 roll was made?
A He was living, I tell you the facts about it, when the 1880 roll was made, I don't know.
Q Near what town? A He was living out to the Bend not far from Coffeyville.
Q Did he ever have any name beside s Tuck Musgrove?
A That is all the name I ever knowed.
Q Did you ever know of any other Cherokee citizen by that name living in that part of the country, in 1880? A No sir.

The 1880 authenticated Cherokee roll examined and the name, Tuck Musgrove, is found in Cooweescoowee Dist., opposite No. 2067. No nationality, age or sex given.

Q You say he was living up about Coffeyville, in the Cherokee Nation, when the 1880 roll was made? A I couldn't tell you that, when that was made, I couldn't say where he was, but he was here in the nation. It might be here to Tahlequah, I couldn't tell anything about that.
Q Do you know whether his name appear on any other Cherokee rolls made since that time? A No sir.
Q You say he has been dead some 6 or 8 years, you think?
A yes, might have been over, I couldn't tell how long he has been dead, but he has been dead sometime.
Q How long did you say you have known this boy, Willie Musgrove?
A I knowed him when he was a boy, small baby
Q With whom was he living then? A With Peter Hudson.
Q Where was Peter Hudson living? A He was living in Ft. Scott.
Q Fort Scott, Kansas? A Yes sir.
Q And this boy was living with him? A Yes, he was a baby.
Q And when was that? A Well I couldn't tell you what time it was, couldn't tell you.
Q Was it before the war, after the war or during the war?
A During the war.
Q Do you know when Peter Hudson came back to the Cherokee Nation after the war? A No sir, they say he come back in '66, I wasn't living right there where he come.
Q Who says so, you don't know of your own knowledge, do you?
A No sir, I couldn't tell you what time it was.
Q Do you know when Willie Musgrove came back to the Cherokee Nation after the war? A No sir, I couldn't say that either; yes, he come with Mr. Hudson here.
Q How do you know? A I have been to their house.
Q Did you see them when they first come back. A Who?
Q Mr. Hudson and Willie Musgrove? A Oh yes sir, after peace was made they come back.
Q About how long after the war was that? A I couldn't tell you, somewhere about '66 I guess. That's all I can tell, I was living at Pryor Creek, all the white hunters tell me I was inside the limit in '66. The old man Miller, he is dead, he use to tell me I was there. That's all the way I can tell you anything.
Q But did you see Peter Hudson and this boy, Willie Musgrove, when they first moved back into the Cherokee Nation after the war?
A Yes sir, I did. He had him with him.

Q Where were they when you first saw him? A On Big Creek.
Q And you think that was how long after the war? A I couldn't tell you that; now, I tell you the fact about it; I couldn't that; I know they was there not long after peace was made, in the Bend.
Q What time of the year? A I tell you the fact; I don't know nothing about xxx that.
Q Was it hot weather or cold weather; were you planting your crops or gathering them? A It was sorter cold; along about after Christmas.
Q After Christmas? A Yes sir.
Q Do you remember about how long after Christmas? A No, I couldn't tell you.
Q Do you know how long they had been there when you saw them on Big Creek? A Yes sir, they had not been there long; after they come back they raised a little corn---
Q Do you know where Willie Musgrove has lived since that time?
A Yes sir, he lived in Sequoyah.
Q Has he always lived in the Cherokee Nation? A He always did live right here on Big Creek.

By Mr. Bell:

Q Ben, where were you living on Pryor Creek in '66? A I was living there not far from Bryant's Lake.
Q Just state what place you were on? A I was on the Charley Potts place, when I come from Kansas, I bought him out.
Q That was in Cooweescoowee District? A Yes sir.
Q On the other side of Grand River? A Yes sir.
Q Now you say Musgrove lived there near Joe Vann's, was he the Joe Vann that lived over across there on Spring Creek? A Yes sir.
Q He did not live over 5 or 6 miles from you did he? A He lived pretty far.
Q How far? A About 15 miles, I guess; maybe farther.
Q Did you live above Bryant's Lake or below? A I lived right against-----
Q Answer the question, were you up the River from the Lake or below? A I was up.
Q You were living on Pryor Creek were you? A Yes sir.
Q The Joe Vann that you speak of is the Joe Vann that lived on Spring Creek, isn't it? A Yes sir.
Q You did not know any other Joe Vann, except that, did you?
A No sir, I did not.
Q Now that was in Saline District, wasn't it, across the River?
A Yes, it was across Grand River.
Q Were you ever at Locust Grove prairie? A Yes sir.
Q How far was that from old man Vann's? A It was not a great ways; I couldn't tell you that.
Q Wasn't it north, in the prairie? A Yes sir.
Q Didn't Mrs. Richardson live in there? A Yes sir.
Q You don't think that is 15 miles from where you lived do you?
A Yes sir, it might have been further.
Q It isn't five, is it? A I used to think it was a pretty good jump.
Q How long did you live there on Pryor Creek? A I lived there about two years, near there.
Q Well, did you move up to the Bend? A Yes sir.

Q That is what is known as Goose Neck Bend, is it? A No sir.
Q Well, its in Cooweescoowee District, Cherokee Nation? A Yes sir.

COMMISSION: Upon request of the attorney for the Cherokee Nation the testimony in the case of Peter Hudson, Cherokee Freedmen D 604, will be filed with and made a part of the record in this case.

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the foregoing case, and that the above is a true and correct transcript of his stenographic notes thereof.

H M Vance

Sworn to and subscribed before me this 23rd day of December, 1903.

Edward Merrick
Notary Public.

Cherokee Freedmen D-1098.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Willie Musgrove as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on October 29, 1901, Willie Musgrove appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of himself as a Cherokee Freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on December 18, 1902. A copy of the testimony taken in the case of Peter Hudson, Cherokee Freedman D-604, is filed herewith and made a part of the record herein.

The evidence herein shows that Willie Musgrove was born during the war of the Rebellion, and is a son of Tuck Musgrove, who at the commencement of the Rebellion was the slave of a Cherokee citizen, and whose name is found on the 1880 authenticated Cherokee tribal roll. The applicant herein was taken to the State of Kansas sometime during said Rebellion, and was brought back to the Cherokee Nation by one Peter Hudson. The Commission have heretofore found in the case of Peter Hudson, Cherokee Freedman D-604, that the said Peter Hudson returned to the Cherokee Nation within the time specified in the decree of the Court of Claims, rendered February 3, 1866, in the case of Moses Whitmire, trustee, vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation.

It further appears that the applicant has lived continuously in the Cherokee Nation since his return thereto in 1866.

It is, therefore, the opinion of this Commission that Willie Musgrove should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this MAY 13 1905

MAR

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

[illegible] Chagrove,
[illegible]ville, Kans.,
[illegible]-7-D-1098.
Registor.

COPY.

Cherokee Freedman
D-1098.

Muskogee, Indian Territory, May 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for the enrollment of Willie Musgrove as a Cherokee freedman.

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

SIGNED: Tams Bixby.

Chairman.

Incl. L-71.

Cherokee Freedmen
D-1098.

Muskogee, Indian Territory, September 12, 1903.

Willie Musgrove,

Coffeyville, Kansas.

Dear Sir:

In the matter of your application for enrollment as a Cherokee Freedman, you are hereby advisedthat further testimony is required as to the citizenship of your parents, their enrollment, and return to the Cherokee Nation after the war. The Commission also desires that you obtain, if possible, the testimony of Peter Hudson, with whom you claim to have returned to the Cherokee Nation.

You are further advised that the Commission will be at Vinita, Indian Territory, on Friday, September 25, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-1038.

Muskogee, Indian Territory, September 12, 1903.

I. P. Bledsoe,
Agent for Willie Musgrove,
Chouteau, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Willie Musgrove, as a Cherokee Freedman, you are hereby advised that further testimony is required as to the citizenship of the applicant's parents, their enrollment, and their return to the Cherokee Nation after the war. The Commission also desires that the applicant obtain, if possible, the testimony of Peter Hudson, with whom he claims to have returned to the Cherokee Nation.

You are further advised that the Commission will be at Vinita, Indian Territory, on Friday, September 25, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-1098.

Muskogee, Indian Territory, October 22, 1903.

Willie Musgrove,

Coffeyville, Kansas.

Dear Sir:

The Commission is in receipt of your letter of October 12, stating that you did not receive notice to appear before the Commission at Vinita, in September to give supplemental testimony in the matter of your application for enrollment as a Cherokee freedman in time to make such appearance. You ask that you be permitted to introduce the required testimony at some future time.

In reply you are advised that before a decision can be prepared in your case, it will be necessary that further evidence be produced as to the citizenship of your parents, their enrollment and the time of their return to the Cherokee Nation after the war. The Commission especially desires the testimony of Peter Hudson.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on

Wednesday, November 18, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 22, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In Cherokee freedmen D 1098, Willie Musgrove, which case was set for further hearing at Vinita, Indian Territory, on September 23, you are advised that before a decision can be prepared in that case, further testimony will be required as to the citizenship of the applicant's parents, their enrollment and the time of their return to the Cherokee Nation after the war.

The applicant has therefore been directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Wednesday, November 18, 1903, to introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 22, 1903.

I. P. Bledsoe,
Agent for Willie Musgrove,
Chouteau, Indian Territory.

Dear Sir:

In Cherokee freedmen D 1098, Willie Musgrove, which case was set for hearing at Vinita, Indian Territory, on September 23, 1903, you are advised that before a decision can be prepared in that case, further testimony will be required as to the citizenship of the applicant's parents, their enrollment and the time of their return to the Cherokee Nation after the war.

The applicant has therefore been directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Wednesday, November 18, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-1098.

Muskogee, Indian Territory, December 11, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that in accordance with the applicant's request, Willie Musgrove has been directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Friday, December 18, 1903, at nine o'clock A. M., and introduce testimony as to the citizenship of his parents, their enrollment and the date of their return to the Cherokee Nation after the war. The Commission particularly desires the testimony of Peter Hudson in this case.

The Cherokee Nation will be permitted to appear on that date and introduce testimony in rebuttal, on the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-1098.

Muskogee, Indian Territory, December 11, 1903.

I. P. Bledsoe,

Agent for Willie Musgrove,

Chouteau, Indian Territory.

Dear Sir:

You are hereby advised that, in accordance with the applicant's request, Willie Musgrove has been directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Friday, December 18, 1903, at nine o'clock A. M., and introduce testimony as to the citizenship of his parents, their enrollment and the date of their return to the Cherokee Nation after the war. The Commission particularly desires the testimony of Peter Hudson in this case.

Respectfully,

Chairman.

Cherokee Freedmen
D-1098

Muskogee, Indian Territory, December 11, 1903.

Willie Musgrove,

Cedar, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 8, asking that you be permitted to appear and introduce the supplemental testimony heretofore requested in your application for enrollment as a Cherokee freedman.

In reply you are advised that you may appear before the Commission at its offices in Muskogee, Indian Territory, on Friday, December 18, 1903, at nine o'clock A. M., and introduce testimony as to the citizenship of your parents, their enrollment and the date of their return to the Cherokee Nation after the war. As you have heretofore been advised, the Commission particularly desires the testimony of Peter Hudson.

Respectfully,

Chairman.

Cherokee Freedmen

D-1098.

Muskogee, Indian Territory, June 2, 1905.

Willie Musgrove,

Cedar, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for your enrollment as a Cherokee freedman.

You are advised that you will not be permitted to make an allotment selection until your name has been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Incl. S-32.

(SIGNED) T. B. Needles,
Commissioner in Charge.

Cherokee Freedmen

D-1098.

Muskogee, Indian Territory, June 2, 1905.

I. P. Bledsoe,

Agent for Willie Musgrove,

Choteau, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for the enrollment of Willie Musgrove as a Cherokee freedman.

Respectfully,

(SIGNED). T. B. Needles.
Commissioner in Charge.

Incl. S-33

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Cher Fr 1461
Trans. from Cher Fr D1210

Cher Fr 1461

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of Rodia Wade, nee Tyner, and her minor child, Charley Dean, as Cherokee Freedmen.

-:0:-

Cherokee Freedmen D-1210/.

COMMISSION TO THE HW
FILED
AUG 16 1902

Cher F D 1210

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Rodia Tyner, page 589, # 1883, Illinois, Ad. Col.
Also on Wallace roll, page 56, # 1202, Illinois District, as Rhoda Tyner.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 5, 1902.

J. L. Reuter
Notary Public.

FILED
SEP 20 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen D 1210

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 13, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of RODIA TYNER as a Cherokee freedman.

APPEARANCES:
Applicant appears in person and by attorney A. S. McRea.
Cherokee Nation by its attorney, W. W. Hastings.

RODIA WADE, being first duly sworn, testified as follows:

By Mr. McRea:
Q What is your name? A Rodia Wade.
Q How old are you? A 27 years old.
Q What is your postoffice address? A Muskogee.
Q Where were you born? A I was born in Fort Gibson, I think.
Q Cherokee Nation, Indian Territory? A Yes, sir.
Q How long have you resided in the city of Muskogee? A I don't know, sir, how long.
Q About how long? A I guess it has been about five or six years, I don't know for certain.
Q Where did you live prior to your removal to the city of Muskogee? A I lived in Fort Gibson before I moved to Muskogee.
Q That is in the Cherokee Nation, Indian Territory? A Yes, sir.
Q What is your father's name? A Andy Tyner.
Q Is he living or dead? A He is dead.
Q What is the name of your mother? A My mother was named Rachel Payne.
Q Is she living or dead? A She is dead.
Q Were either your father or your mother the slave of a Cherokee citizen? A Yes, sir, both of them were slaves of Cherokee citizens.
Q To whom did they belong? A My mother belonged to Madison Payne.
Q To whom did your father belong? A He belonged to the Tyner's, I think the man's name was John Tyner.
Q What was your name before you married your present husband? A Rodia Tyner.
Q Have you any children under 21 years of age and unmarried? A Yes, sir, I have one.
Q What is his name? A Charley Dean.
Q Have you or anyone for you made application to the Commission to the Five Civilized Tribes for citizenship in the Cherokee Nation? A Yes, sir.
Q By whom was that application made? A My brother, I guess, Prince Tyner.
Q Do you know that of your own knowledge, that your brother, Prince Tyner, made application for you or is that from information? A It is from information.
Q If application for citizenship was made in your behalf by any other person other than your brother mentioned you don't know anything about it then, is that right? A Yes, sir.
Q Are you acquainted with Mr. Emmet Starr? A No, sir.
Q Are you acquainted with James Bullette? A No, sir.
Q On the 30th day of June, 1902, in the city of Muskogee, Indian Territory, one Emmet Starr, being duly sworn and examined by the Commission, testified as follows:
"Q What is your name? A Emmet Starr.

"Q What is your age.
"Q What is your postoffice address? A Claremore, Indian Territory.
"Q Are you a citizen by blood of the Cherokee Nation? A Yes, sir, I am.
"Q You are so recognized? A Yes, sir.
"Q For whom do you desire to make application for enrollment? A For the following named persons on the 1896 Cherokee roll, their families and descendants?

"Q Are there any other persons for whom you desire to make application for enrollment? A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:
Rodia Tyner, page 589, No. 1883, Illinois, ~~District~~ Ad. Col.
Also on Wallace Roll, page 56, No. 1202, Illinois District, as Rhoda Tyner.

Q Did you hear and pay attention to the matter just read in your hearing? A Yes, sir.
Q Now state whether or not you are the identical person referred to by Emmet Starr whose name appears upon the rolls mentioned at the Numbers indicated? A Yes, sir, I am on every roll.

Commission: 1880 roll examined and the name of Rodia Tyner appears thereon at page 589, at No. 1883, Illinois District, as adopted colored, the age therein being given as three years.

Q Where were you living at the time the Commission to the Five Civilized Tribes were taking the census rolls of the freedmen citizens of the Cherokee Nation in 1901 and 1902? A I was living on Mill Creek in the Cherokee Nation.
Q State to the Commission why it was that you didn't appear in person and make application in behalf of yourself and minor child as citizens of the Cherokee Nation at the time the Commission were hearing applications for citizenship? A Because I was sick in bed and I couldn't come.
Q Did you ever draw any money for your minor child, Charley Dean, from the Cherokee Nation? A Yes, sir.
Q Does his name appear upon any of the tribal rolls of the Cherokee Nation? A Yes, sir.
Q What roll, if you remember? A I don't remember, but it was when the Cherokees was drawing that money.
Q Was it on the Kern-Clifton roll? A I don't know the roll; I just know it was put on the roll.
Q Did you ever go by any other name besides Rodia Tyner? A Yes, sir
Q What other name did you go by? A Dean.
Q Rodia Dean? A Yes, sir.
Q Explain to the Commission why you went by the name of Dean?
A Because that was my husband; I have been married twice; this makes the second time.
Q Then when you drew the strip money you drew as Rodia Dean?
A Yes, sir.
Q What was the name of the father of your minor child, Charles Dean? A Fred Dean.

The Kern-Clifton roll examined and the name of Rodia Dean appears thereon at page 56, No. 1400, and that of Charles Dean on page 56, No. 1401.

Q Is your minor child, Charles Dean, living with you at this time?
A Yes, sir.

By Mr. Hastings:
Q Is your mother living? A No, sir.
Q How old were you when she died? A I was 20 years old, I think.
Q Did you live with her until her death? A Yes, sir.
Q Is your father alive? A No, sir.
Q When did he die? A When he died, about 12 years ago.
Q Did your father and mother continue to live together until your mother's death? A No, sir.
Q Was your mother a Cherokee freedman? A Yes, sir.
Q About how old were you when your father and mother separated?
A I don't know, sir, I was small; I can't tell how old I was.
Q Did your mother ever assume another name? A No, sir.
Q Did she never marry anybody else? A No, sir.
Q She went by the name of Tyner? A Yes, sir.
Q What was her first name? A She had a name by her owners, Paynes.
Q Did she claim to be a Cherokee freedman, herself? A Yes, sir.
Q How old are you? A 27 years old.
Q What did you say your mother's name is? A Rachel payne.
Q Your mother died about 12 years ago? A Yes, sir.
Q Where did she die? A Down here on Bill Creek, Cherokee Nation.
Q Canadian district? A Yes, sir.
Q When were you married to Dean? A About six years ago.
Q Where were you married? A I was married out here on Cane Creek.
Q Out here in the Creek Nation? A Yes, sir.
Q When did you move out of Illinois district? A Away from Fort Gibson.
Q How long ago, how old were you? A It was after that Cherokee payment.
Q After that big payment? A Yes, sir.
Q Who did you move over there with? A I moved with my husband over here.
Q I thought you married him over here? A Me and him were over there time of the payment and drawed and me and him moved over here.
Q Had you been here before that? A Yes, sir.
Q He was a Creek? A No, sir, a state man.
Q How long before that had you lived outside of the Cherokee Nation, over here in the Creek Nation? A I don't know, sir.
Q How old were you when you first left the vicinity of Fort Gibson?
A I was small; my mother carried us backwards and forwards, we didn't have no certain home.
Q Where did she first carry you? A I don't know; I was small.
Q How old were you when you first left over there in the vicinity of Fort Gibson, where did you go? A To Budge Dean's house.
Q About how old were you, your best judgment? A I guess I was about six years old.
Q Where did Dean live? A Out here about a mile from town.
Q Muskogee? A Yes, sir.
Q How long did you live there? A I stayed with him about two or three years, I think.
Q Then where did you go? A Back over to Fort Gibson.
Q Have you ever lived out or worked out of the Cherokee or Creek Nations? A No, sir.
Q Have you been to Kansas? A No, sir, I never was.
Q Have you been to Arkansas? A No, sir, but I crossed the Arkansas river going to Fort Gibson.
Q Have you ever been to Texas? A No, sir, I don't know a thing about Texas.
Q Have you ever been to Oklahoma? A No, sir.
Q Have you ever been outside of the Indian Territory? A No, sir, I never has.
Q Where was this child, Charles, born? A Him, born right down here to Dean's house.

Q Where were you married to your last husband, Wade? A I married him in the Creek Nation.
Q You have lived here in the vicinity of Muskogee all these years, why is it you have never applied to the Commission for your enrollment? A When they were ~~sick~~ enrolling I was sick in bed, and could not come.
Q We have been taking testimony three or four years? A We didn't know nothing, when I did find it out I was sick and couldn't come.
Q This is the first time you have ever been before the Commission, yourself? A Yes, sir.
Q Is this boy, Charley, living now? A Yes, sir.
Q Living with you? A Yes, sir.
Q Its father is no Creek? A No, sir.
Q It is not on the Creek roll? A No, sir.
Q You are not on the Creek roll? A No, sir.
Q You drew money for yourself and this boy during the Kern-Clifton payment? A Yes, sir.
Q Did you have any brothers or sisters? A Yes, sir.
Q What are their names? A Prince Tyner is one.
Q Did you have any more? A John Tyner.
Q Is that all? A Yes, sir.
Q Were they older or younger than you? A Older than me.

HENRY THOMAS, being first duly sworn, testified as follows:

By Mr. McRea:
Q What is your name? A Henry Thomas.
Q How old are you? A 62.
Q What is your postoffice address? A Muskogee.
Q Are you acquainted with the applicant, Rodia Wade? A Yes, sir.
Q How long have you known her? A I known her directly after she was born.
Q Did you know her father and mother? A Yes, sir.
Q What was the name of her father? A Andy Tyner.
Q Is he alive or dead? A Dead.
Q What was the name of her mother? A Rachel Payne.
Q Is she alive or dead? A Dead.
Q Did the applicant have any brothers or sisters that you know? A Yes, sir.
Q What is the name of the oldest one? A John Tyner.
Q Is he alive or dead? A He is dead.
Q What is the name of the next one? A Next one is named Prince Tyner.
Q Is he alive or dead? A Living.
Q Has the applicant got any other brothers or sisters living? A Sister named Florence Thomas.
Q Did Andrew, or Andy, Tyner, the father of the applicant, belong to a Cherokee citizen by blood? A Yes, sir.
Q To whom did he belong? A I don't know the man he belonged to, but I heard him say he belonged to a man by the name of John Tyner.
Q Do you know where the applicant, Rodia Tyner, now lives? A Not exactly, I hear she lives in the Seminole country, but whereabouts I don't know.
Q How long, to your knowledge, since she lived in the Cherokee Nation? A All of her life until four years ago.
Q Do you know whether or not her name appears upon the authenticated roll of 1880 of the Cherokee Nation? A Yes, sir, it did, I don't know whether it is on there now or not, it was on the 1880 roll.

By Mr. Hastings:
Q How do you know that it appeared on the 1880 roll? A Her stepmother had it put on there, and her brother, too.

Q Her stepmother? A Yes, sir.
Q What was her name? A Hannah Thomas, my wife.
Q Your wife formerly the wife of Andy Tyner? A No, sir, after her father died, of course, she stayed with my wife until she married and she always called her stepmother.
Q How long has her mother been dead? A Her mother has been dead about seven years.
Q Did she live with her mother until her mother's death? A Yes, sir.
Q Then she lived with your mother until she married? A Yes, sir.
Q When did she first marry? A I don't know, she had a man named Dean, Fred Dean, and I don't know whether she married or was just living with him.
Q Where does she live now, Seminole country? A Yes, sir.
Q What is her postoffice? A I don't know.
Q How long has she been living out there? A About four years.
Q And that accounts for her not coming up here and applying, don't it? A I suppose so.
Q Has she ever lived outside of the Territory? A Before she lived outside-of-t went to the Seminole she didn't; she lived at Fort Gibson a long time and then she lived on Dirty Creek with me.
Q You knew her mother personally? A Yes, sir, she used to be my wife.
Q After she died you married, you kept this girl? A Yes, sir.
Q When did you marry her mother? A In 1874.
Q Did you and she separate? A Yes, sir, then he married her after that.
Q And she and Tyner separated? A Yes, sir, her and Tyner separated afterwards.
Q Had she some children by the name of, one by the name of Prince before you married her? A No, sir, he died.
Q Who, Andrew Tyner? A Yes, sir.
Q They are half brothers of this girl? A Yes, sir.

By the Commission:
Q You say you married the mother of this girl in 1874? A Yes, sir.
Q Was this girl alive at that time? A No, sir.
Q She wasn't born then? A No, sir.
Q How long did you live with her mother? A About three years.
Q Do you know where this girl was living in 1880? A No, sir, I think on Dirty Creek.
Q You think she was living on Dirty Creek? A Yes, sir.
Q Do you know where her mother was living at that time? A Yes, sir.
Q Where? A In '80, no, sir, I don't know where she was then.
Q Where was her father in 1880? A He was dead.
Q Her father dead in 1880? A Yes, sir, if I aint mistaken; no, sir, her father was living in Fort Gibson in 1880.
Q Do you know who the girl was living with in 1880? A No, sir, I couldn't say where she was living exactly in 1880; she was living in Fort Gibson with her father.
Q Has this girl ever lived out of the Indian Territory since you have known her? A Not as I know of.
Q She isn't living in Oklahoma now, is she? A She says she aint.
Q Did you know this Prince Tyner? A Yes, sir.
Q Is he living now? A Yes, sir.
Q How old a man is he? A I don't know, I just judge he is about 35.
Q Did you ever know a person by the name of John Tyner up there? A Yes, sir.
Q Who was he? A John Tyner's son, older than Prince.
Q Do you know where Prince Tyner was living in 1880? A On Four Mile Branch in 1880.
Q What district is that in? A In Illinois, I reckon.

By Mr. Hastings:
Q Did Prince Wyner ever move away from over there? A Yes, sir, he moved upon the mountain about 15 miles from Braggs Station, I judge that far.
Q Did he ever go to Cooweescoowee? A I don't know.
Q What is your present wife's name? A Hannah Thomas.

RODIA WADE, recalled for additional cross-examination:

By Mr. Hastings:
Q Do you live out in the Seminole country now? A Yes, sir.
Q Why didn't you tell us that when you come on the stand? A I didn't understand.
Q Where do you live? A I live in the Seminole Nation.
Q Why didn't you tell that when you were on the stand a while ago, what is your postoffice? A Wewoka.
Q Do you live in Wewoka? A No, sir, I live on the other side.
Q How far? A I guess about seven miles.
Q Do you live in Oklahoma? A No, sir, in Seminole Nation.
Q How far from the Oklahoma line? A About seven miles.
Q Have you ever lived in Oklahoma? A No, sir.
Q Have you ever worked in Oklahoma? A No, sir.
Q You have never been there at all? A No, sir, I never has been there, I have been to Wewoka because we come through the town.
Q How long have you lived in the Seminole country? A About three years. We moved from the Creek Nation to the Seminole.

By Mr. McRea:
Q Where do you get your mail? A Wewoka.
Q Why was it that you gave your postoffice address as Muskogee?
A Because I didn't understand.
Q Where do you desire your mail addressed to you now, Muskogee or Wewoka? A Wewoka.

SAMUEL WADE, being first duly sworn, testified as follows:

By Mr. McRea:
Q What is your name? A Samuel Wade.
Q How old are you? A 22.
Q What is your postoffice address? A Wewoka.
Q Are you acquainted with the applicant, Rodia Wade? A Yes, sir.
Q How long have you known her? A I have been knowing her about two years.
Q Where was she when you first learned to know her? A She was living here at Ell Creek.
Q Cherokee Nation, Indian Territory? A Yes, sir.
Q What relation is she to you, if any? A She is my wife.
Q How long have you been married to her? A Two years.
Q Where did you marry her? A Out here in the Creek Nation.
Q Did you have any acquaintance or did you know her prior to two years ago? A No, sir.
Q Has she any children? A Yes, sir.
Q How many has she? A Just one as I knows of.
Q What is its name? A Charley Dean.
Q How old is it? A 10 years old.
Q Did you know what her name was prior to your marriage to her?
A Yes, sir.
Q What was her name before you married her? A Rodia Dean.

By Mr. Hastings:
Q Have you and she lived all the time in the Seminole country since you have been married? A Yes, sir.
Q Ever live in Oklahoma? A No, sir.
Q You live in the Seminole Nation now? A Yes, sir.
Q Where was she living when you first knew her? A On Mill Creek.
Q In the Creek Nation? A No, sir.
Q Cherokee Nation? A Yes, sir.

By the Commission:
Q How far from Wewoka do you live? A About eight miles.
Q What direction from Wewoka? A East.
Q Towards Oklahoma? A Yes, sir.
Q That would be west wouldn't it? A Yes, sir.
Q How far do you live from Shawnee, Oklahoma? A A long ways from there, about 24 miles, I expect.
Q How far from Shawnee you live to the Oklahoma line? A I couldn't hardly tell how far it is.

RECEIVED FIVE CIVILIZED TRIBES

Mr. McRae: Comes now the applicant through her attorney and desires to state to the commission for its consideration that this testimony is introduced by the applicant in behalf of herself and her minor child, Charles Penn, for the purpose of perfecting the record in her case, pertaining to the application made in her said behalf on June 30, 1902.

o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this the 30th day of September, 1904.

Notary Public.

Muskogee Indian Territory 10/5 1904

RECEIVED of the Commission to the Five Civilized

Tribes one copy of the testimony in F. Cherokee

Case No 1715

Attorney for Applicant.

Cherokee Freedmen D-1210.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nodia Wade, nee Tyner, and her minor child, Charley Dean, as Cherokee Freedmen.

-:-

D E C I S I O N.

The record herein shows that on June 30, 1901, Emmet Starr appeared before this Commission at Muskogee, Indian Territory, and made application for the enrollment of Nodia Tyner, her family and descendants. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, September 2, 1904. Since the filing of the original application herein the said Nodia Tyner was married to one Samuel Wade, and she will now be listed for enrollment as Nodia Wade.

The evidence herein shows that the principal applicant, Nodia Wade, is a descendant of Cherokee Freedmen, was born since 1866, has continuously resided within the domain of the Five Civilized Tribes since birth, and is duly identified on the Cherokee authenticated tribal roll of 1880. The minor applicant, Charley Dean, is a child of the said Nodia Wade, was born since 1880, and has continuously lived with his mother since birth.

It is, therefore, the opinion of this Commission that Nodia Wade and Charley Dean should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
MAY 1905

F 3981 32 Ford F 3461

IN RE

THE DEATH OF

Rodia Wade

a citizen of the

Cherokee Nation.

Approved MAR 24 1906 190

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED
Mar 24

COMMISSIONER

Roll 9 3981 32 Card 9 1461

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Rodia Wade (Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided at or near Nowata (Here insert name of postoffice.), Ind. Ter., and died on the 16 day of July 1906

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY, Nowata DISTRICT.

I, Sam Wade, on oath state that I am 32 years of age and a ~~citizen, by~~ freed city, of the Cherokee Nation; that my postoffice address is Ochelata (Here insert name of postoffice.), Ind. Ter.; that I am Husband (State relationship: as the father, an uncle, a cousin, etc.) of Rodia Wade (Here insert name of deceased.) who was a ~~citizen, by~~ freed city, of the Cherokee Nation and that said Rodia Wade (Here insert name of deceased.) died on the 16 day of July 1906.

WITNESSES TO MARK: Dan Wade

(Must Be Two Witnesses)

Subscribed and sworn to before me this 24 day of March 1906.

Chas E Webster
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY, Nowata DISTRICT.

I, A. J. McTeer, on oath state that I am years of age, and a citizen ~~by~~ of the U. S. ~~Nation;~~ that my postoffice address is Tiawah (Here insert name of postoffice.), Ind. Ter., that I was personally acquainted with Rodia Wade (Here insert name of deceased.) who was a citizen, ~~by~~ freed city, of the Cherokee Nation; and that said Rodia Wade (Here insert name of deceased.) died on the 16 day of July 1906.

WITNESSES TO MARK: H. B. McGehee

(Must Be Two Witnesses)

Subscribed and sworn to before me this 24 day of March 1906.

Chas E Webster
Notary Public.

COPY.

Cherokee Freedman
D-1210.

Muskogee, Indian Territory, October 1, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory on September 13, 1904, in the matter of the application for the enrollment of Rodia Tyner, et al., as Cherokee freedmen.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Enc. K-2.

COPY.

Cherokee Freedmen
D-1210.

Muskogee, Indian Territory, October 1, 1904.

A. S. McRea,

Attorney for Rodia Tyner, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed copy of supplemental testimony taken at Muskogee , Indian Territory, on September 13, 1904, in the matter of the application for the enrollment of Rodia Tyner, et al., as Cherokee freedmen, together with a blank form receipt which you are requested to sign and return to the Commission.

Respectfully,

Tams Bixby
Chairman.

Enc. K-1

Register.

COPY.

Cherokee Freedmen

D-1210.

Muskogee, Indian Territory, May 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for the enrollment of Rodia Wade, et al., as Cherokee freedmen.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

ORIGINAL. Tams Bixby
Chairman.

Incl. S-150

COPY.

Cherokee Freedmen

D-1210.

Muskogee, Indian Territory, June 2, 1905.

Rodia Wade,

Wewoka, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for the enrollment of yourself, et al. as Cherokee freedmen.

You are advised that you will not be permitted to make allotment selections until your names have been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which you will be duly notified.

Respectfully,

Commissioner in Charge.

Incl. S-19

COPY.

Cherokee Freedmen

D-1210.

Muskogee, Indian Territory, June 2, 1905.

A. S. McRea,

Attorney for Rodia Wade, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, granting the application for the enrollment of Rodia Wade, et al. as Cherokee freedmen.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Incl. S-20

Cher Fr 1462

Cher Fr 1462

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as Cherokee freedmen of:

MATILDA WARREN, ET AL., D-587

Subscribed and sworn to before me this 1st day of June, 1900.

[illegible]
[illegible]

Martin Sykes, "Salem", et al.--D.

Affidavit

[illegible] the undersigned, being duly sworn, deposes and says:

1. That I am a citizen of the United States and a resident of the Commonwealth of Massachusetts.

2. That I am the owner of the premises known as the Bowman Farm, situated in the Town of Danvers, Essex County, Massachusetts, and that I have been such owner since [illegible] 1899.

3. That I have never given any permission to the plaintiff, Martin Sykes, or any other person, to cut or remove any timber or wood on said premises.

4. That I have never given any permission to the plaintiff, Martin Sykes, or any other person, to dig or remove any gravel or sand from said premises.

5. That I have never given any permission to the plaintiff, Martin Sykes, or any other person, to build any dam or flume on said premises.

6. That I have never given any permission to the plaintiff, Martin Sykes, or any other person, to build any dwelling house, or any other building on said premises.

7. That I have never given any permission to the plaintiff, Martin Sykes, or any other person, to build any barn or other building on said premises.

8. That I have never given any permission to the plaintiff, Martin Sykes, or any other person, to build any fence on said premises.

9. That I have never given any permission to the plaintiff, Martin Sykes, or any other person, to build any bridge on said premises.

10. That I have never given any permission to the plaintiff, Martin Sykes, or any other person, to build any road on said premises.

11. That I have never given any permission to the plaintiff, Martin Sykes, or any other person, to build any wharf on said premises.

12. That I have never given any permission to the plaintiff, Martin Sykes, or any other person, to build any boat house on said premises.

13. That I have never given any permission to the plaintiff, Martin Sykes, or any other person, to build any boat on said premises.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 7th, 1901.

In the matter of the application of Matilda Warren for the enrollment of herself and child as Cherokee Freedmen; said Warren being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A My name is Matilda Warren now.
Q How old are you? A I guess I am about 69.
Q What is your post office address? A Lightning Creek.
Q What district d you live in? A Cooweescoowee.
Q There is no post office at Lightning Creek; what is your post office? A Hayden.
Q Do you apply to be enrolled as a Cherokee Freedman?
A Yes, sir.
Q Who do you want to enroll besides yourself? A My niece's girl.
Q What is the little girl's name? A Della Sykes.
Q Is your name on the roll of 1880? A It was drapped.
Q And you have never been recognized as a Cherokee Freedman?
A I have been.
Q Is your name on any of the rolls of the Cherokee Nation? A I told you; I can tell you my real statement; when I first come home when they fir st enrolled me, then I was enrolled.
Q Did you draw what is known as the Strip money? A Yes, sir.
Q Did you draw money on the wallace roll? A Yes, sir.
Q Are you married? A He and him is parted now, I was married.
Q What is your husband's name? A Now or then?
Q He never had but one name did he? A I have been married twice.
Q Better give me both then? A Ellis Jackson was my first husband
Q Is he living? A No, sir, he is dead.
Q What is the name of your next husband? A Ellis Warren now.
Q Well what was your father's name? A My father's name was Bill Ross.
Q Is he living? A He is dead.
Q What is your mother's name? A Judie Ross.
Q Is she living? A No, sir.
Q Were they Cherokee Freedmen? A Yes, sir.
Q Were you a slave? A Yes, sir.
Q Whom did you belong to? A Louis Ross.
Q Was he a Cherokee Indian? A Yes, sir, he was John Chief Ross' brother.
Q Did you go out of the Cherokee Nation durin the war?
A Yes, sir.
Q Where did you go to? A Went to Kansas.
Q How long did you stay in Kansas? A I stayed there until they told me to come back.
Q When did you come back? A Come back in '66.
Q Have you been living here ever since? A Yes, sir; I have had a home here ever since.
Q Have you got any witnesses? A Frank Ross and Henry Melton.

BY MR. W. W. HASTINGS, Cherokee Representative:

Q Auntie, what town did you go to up in Kansas? A I went to Iola, Kansas; I went to Humbolt and then I went to Iola.
Q Where were you living when the war quit, closed?
A I was living at Louis Ross'.
Q When the war closed? A I was living in Kansas.
Q At Iola or Humbolt? A Iola.
Q Were you married then? A Yes, sir, I was a married woman and had children before the war.
Q Did you have some children along with you then? A Yes, sir, but my children was small.
Q Was your husband in the army? Yes, sir.
Q He stayed with the army until the close? A He stayed in the

army until he was mustered out at Leavenworth.
Q Did he come to you after he was Mustered out? A Yes, sir, he come to me in the fall and we come down in the Nation.
Q What year was that you come down here? A It was in April, '66.
Q Well, where did you come to? A Down here on the old man Rider place.
Q How far was that from here? A I can't tell you how far it is, about 30 or 40 miles, close to Pryor Creek.
Q How long did you live there? A I lived at the Rider place until in the fall when my husband built a house on Pryor Creek and then I moved out there.
Q How far from the Rider place? A About seven or eight miles.
Q What direction from the Rider place? A West.
Q Now, Anty, what neighborhood did you have when you moved down to you new place in the fall? A Well; I said there was colored people living there; we lived not far from Blue Rider.
Q Was he living there? A He was living there and had a place there
Q Was anybody else? A Blue Rider I was living in Blue Rider's house and when he come.
Q This Blue Rider down here knows? A I lived in Blue Rider's house and Charley, I knowed right in there.
Q Where is Charley Rider now? A I don't know.
Q This is the Blue Rider that lives down here by Adair?
A Tom Rider's son.
Q Now, how long did you continue to live on Pryor Creek?
A I lived there until I had to move out.
Q Where did you move to? A Moved up on Lightning Creek.
Q How long did you live on Pryor Creek? A I don't know how long, but I lived there a good while; until after my husband was killed at Fort Gibson in '68 and then I had to get to work for my children, I took my children and moved up on Lightning Creek.
Q And you have lived there ever since? A Ever since.
Q You have never been back to Kansas? A Oh, yes, I ain't going to deny that.
Q How long have you been back to Kansas? A I don't know, I would go there and work and come back here and bring in what little I got.
Q Were you ever married after your husband was killed in '68?
A Yes, sir, I was married to Ellis Warren.
Q Now, where were you and Ellis Warren married? A Down close to Alluwee.
Q Who married you? A Mr. Adams, a Delaware down close to Alluwee.
Q Where did he die, Mr. Warren? A He is living, we have parted.
Q Well did you when you married him? A I don't know just what year, I ain't got a certificate here.
Q As much as eight years ago? A 13 or 14 years ago .
Q And since then have you been up in Kansas any?
A No, sir.
Q Now, how long had you been down here when you come back in 1866, as you state, until you went back to Kansas? A I don't know what year I went ack to Kansas.
Q Well, how long did you stay down here? A I would go up there and work.
Q Take the children with you? A No, sir; I would go where I could get the most wages and come back and bring what I had to my children.
Q About how many years did you work u in Kansas? A Backwards and forth; I lived with him 14 years and I worked all that time; sometimes I would get work here and work here.
Q What towns in Kansas did you work? A Coffeyville and Parsons.
Q Did you ever go to Iola and back? A No, sir, I never have been back to Iola since I left it.
Q You have children have you? A I have eight.
Q Q Did you have any born in Kansas? A Yes, sir, I had one; I carried a baby when I went.

Q Was that during the war or since? A It was during the war; I didn't live in Kansas no longer than the war was ended.

BY COM'R NEEDLES:

Q Any of your children here? A No, sir, I ain't got none living.
Q Now, who is this Della Sykes? A A little girl I raised.
Q What was her mother's name? A Viney Sykes.
Q What was its father's name? A Henry Sykes.
Q & its father and mother both dead? A Her mother is dead, and its father is living.
Q Was Viney Sykes any relation to you? A My niece.
Q Your sister's daughter? A Yes, sir; her mother died in the fall of '66, did with an eating Cancer.
Q Viney was your sister? A Yes, sir.
Q Did she belong to the same man you did, A Yes, sir.
Q They took her mother out at the same time they did you?
A Yes, sir.
Q When did she come back? A In '66.
Q Viney's grandmother was your sister? A Yes, sir, her mother was Agnes.
Q She was your sister? A Yes, sir.
Q What was her name, Agnes what? A Agnes Ragsdale.
Q Was she a slave? A Yes, sir.
Q Was she taken out at the same time you were?
A Yes, sir.
Q Come back with you? A Yes, sir.
Q When did she die? A We moved down in Aprin and she died in the fall with a eating Cancer.
Q Then her child then was named Viney? A Yes, sir.
Q Was Viney born here in the Cherokee Nation? A Yes, sir.
Q Lived and died in the Cherokee Nation? A Lived here all the time until we took her out and brought her back.
Q What was Della's mother's name? A Her name was Viney.
Q Well, her grandmother that took her out and she come back and died? A Yes, sir.
Q Then how long did her grandmother live in the Cherokee Nation before she died? A She didn't live from March until late in the fall she died.
Q And she had Viney? A Yes, sir.
Q And Viney born and raised in the Cherokee Nation? A She was born in Kansas the year we went out and then we brought her back.
Q And she married a man named who? A Viney married a man by the name of Henry Sykes.
Q And Della Sykes is the child of Henry? A Yes, sr.
Q Was Della born here in the Cherokee Nation? A Yes, sir.
Q How old is Della? A She is 14 years old.
Q Did you draw strip money for Della? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name and those of parents of applicant's niece not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 154, #3804, Matilda Warren, Cooweescoowee District.
Page 154, #3805, Della Sykes, Cooweescoowee District.

The Wallave Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 151, #3142, Matilda Warren, Cooweescoowee District.

Q Now, Matilda, do you know the reason your name is not on the roll of 1880? A I had it put on there and they drapped it.

HENRY MELTON? BEING sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Henry Melton.
Q How old are you? A 65 years old.
Q What is your post office? A Coffeyville, Kansas.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Are you on the roll of 1880? A Yes, sir.
Q Do you know the applicant, Matilda Warren? A Yes, sir.
Q Whom did she belong to? A Louis Ross.
Q She was a slave? A Yes, sir.
Q Louis Ross was a Cherokee citizen? A Yes, sir.
Q Was Matilda taken out of the Cherokee Nation during the war?
A She went up north.
Q Do you know when she returned? A Yes, sir.
Q When? A Returned in '66.
Q Returned in '66? A Yes, sir.
Q Has she been living in the Cherokee Nation since that time?
A All the time.
Q Did she return with you? Yes, sir, we all come together.
Q And your name is on the roll of 1880? A Yes, sir.
Q Did you know her niece's child, Della Sykes; she has got with her now one that aunt Matilda is raising? A I don't know anything about that.
Q Do you know the reason her name is not on the roll of 1880?
A No, sir, I don't; well it ought to be on.
Were you and she at the same place in Kansas during the war?
A Yes, sir.
Q Where was that? A At Iola.
Q Did you know her husband, Ellis Johnson? A Yes, sir, well acquainted with him.
Q He is not living? A No, sir.
Q Did you know Ellis Warren? A Yes, sir.
Q He is living? A Yes, sir.
Q They are parted? A Yes, sir.
Q Ellis Warren a citizen? A I don't think he is.

BY MR. HASTINGS:

Q What time did you get back? A I got back in '66.
Q What time of the year? A In the spring, in April.
Q You come back to Pryor Creek? A Down to Pryors Creek.
Q You come to the old Rider place? A She come to the Rider place.
Q Blue Rider come there in the fall? A Bl e Rider come in '67.
Q Did you come with this woman, Matilda Warren? A Yes, sir.
Q Well, now, what time did she come back? A She come back when I come back.
Q And she went into the old Rider house? A Into the Miller Rider house.
Q Did Blue Rider come back to that place after the war, Cherokee Blue Rider? A I know him.
Q He came back to the same house that fall? A We had to give the house up that same fall and give them up to Riders.
Q Was Blue Rider along? A I don't know.
Q How far did Maj. Lipe live from that place? A About a mile and a half.
Q That was D. W. Lipe? A Yes, sir.
Q How far did John Grass live from that?
A Lived up towards Timbered Hill where John Webb was living.

FRANK ROSS , being sworn and examined by Commissioner T.B. Needles, testified as follows:

Q Your name is Frank Ross? A Yes, sir.
Q What is your age, Mr. Ross? A 53.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant, Matilda Warren? A Yes, sir, I know her.
Q How long have you known her? A All my life.
Q Was she a slave? A Yes, sir.
Q To whom did she belong? A Louis Ross.
Q Did you belong to Louis Ross? A Yes, sir
Q Did Matilda go out of the Cherokee Nation during the war?
A Yes, sir.
Q Where did she go? A Kansas.
Q What point in Kansas? A Iola.
Q Did you know when Matilda Ross returned? A Come back in April, '66.
Q Did you come with her? A No, sir, I come in March and she come in April.
Q And has she been living in the Cherokee Nation ever since?
A Yes, sir.

BY MR. HASTINGS:

Q She has never been out to Kansas? A Not as I know of.
Q Don't you know that she has been working up there for about 20 years? A No, I don't; you don't know it.
Q Di you know that she has been working up there any?
A She has not been wor,ing up there 20 years.
Q Don't you know that she has been working up there some?
A I left her up there on Pryors Creek and I went up on Verdigris and she worked up there while I was gone.
Q How far did you live from her? A I lived right by her until I moved up on Verdigris.
Q When did you move up on Verdigris? A I moved up there in '69.
Q How far have you lived from her since '69? A About three miles. I left them there in '69 and she moved up there in '75.
Q And has she been living by you ever since '75? A Yes, sir.
Q Hasn't she been out to Kansas some? A No, sir.
Q You are her brother are you? A Yes, sir.

BY COM'R NEEDLES:

Q Do you know the reason her name is not on the roll of 1880?
A No, sir.
Q Did you know Agnes Ragsdale? A Yes, sir.
Q Was Agnes Ragsdale a sister of Matilda? A Yes, sir.
Q She is your sister too? A Yes, sir.
Q Was she taken out at the same time? A Yes, sir.
Q Returned with her A Yes, sir.
Q Did Agnes have any children? A Yes, sir, had two.
Q One named Viney? A Yes, sir, and one named Sophia.
Q Is Viney living? A No, sir, both dead.
Q Did you know whether Viney had any children? A Yes, sir.
Q Do you know its name? A Yes, sir.
Q What is its name? A Della.
Q Is it living? A Yes, sir, it is living with Matilda.

MATILDA WARREN, the Applicant, recalled:
BY MR. HASTINGS:

Q Why isn't your name on the roll of 1880? A Because they would not put it on.
Q Where were you living? A I was living on Lightning Creek.
Q In 1880? A Yes, sir.
Q How far were you living from your brother? A Right close there.
Q In the same neighborhood? A In the same neighborhood.

Q Isn't it a fact that you were in Kansas in that year?
A I could not be in Kansas and living there too.
Q I am asking you if you weren't in Kansas? A No, sir.
Q Now, who lives up there on Lightning Creek and who lives neighbor to you? A (No response.)
Q Have you any Cherokee citizens that know that you have been living there continuously for the last 20 years? A No, I ain't got no Cherokee witnesses out there at all; I lived by Maj. Lipe then when I first come home.
Q How far do you live from Hayden post office? A About five miles above it, near the head of Lightning Creek.
Q Now, how long have you been living at that particular place?
A I guess about 12 years, at that place; we had two places.
Q Now, where did you live before you lived there? A I lived right up above about a miles above the place I am living now and I give that place to my son and I moved on another place after I married.
Q Now, there is not Cherokee citizens within three of four miles around you that knows that you have been living up there for the past 23 or 24 or 25 years? A No, sir. there was colored people living all up in there.
Q About how far ~~xxxxxx~~ Does Calvin Coker live from you?
A He lives about 12 miles from me and I don't know Calvin Coker.

BY COM'R NEEDLES:

Q You say you have never lived out of the Cherokee Nation with your family since you come back in 1866? A Yes, sir.
Q But you have worked around some? A Yes, sir; wasn't out long at any time.
Q You said one time that you thought your name was on the roll of 1880 but that it was dropped? A I said I guess it had.

BY W. W. HASTINGS:

Q What makes you say it was dropped? A It was put on; I don't know whether they put it on the 1880 roll or not.
Q Who took it? A John Hicks was one of them, old man Ross' nephew.
Q The fellow knew you well didn't he? A Yes, sir; I knew him I knew him before he knowed himself.
Q Who was along with him? A I don't know what that Indian was named; he took my census all the same.

COM'R NEEDLES:--Matilda Warren applies for the enrollment of herself and for a child of her niece named Della Sykes. She is not identified upon the authenticated roll of 1880 or the census roll of 1896; she is identified upon the Kern-Clifton and Wallace roll. The child, Della, is identified upon the Kern-Clifton roll. She avers that she was a sla e of one Louis Ross and that she was taken out to Kansas during the war between the North and South and returned in 1866. She avers that the child for shom she applies is the daughter of Viney Sykes, and that Viney Sykes is the daughter of her sister, Agnes Ragsdale, who had the same status as herself, being now deceased. She makes satisfactory proof as to residence, consequently Mtailda Warren and her niece, Della Sykes, will be duly listed for enrollment as Cherokee Freedmenupon a doubtful card. She will be notified by mail when the Commission arrives at a decision as to her citizenship.

---oooOOOooo---

Matilda Warren, et al.--7.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 17th day of June, 1901.

Commissioner.

B. 10,187

CLERK'S OFFICE THE FIVE COURTS
FILED
JUN 7 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 7 - 1901

Post Office Hayden, I. T.

District COOWEESCOOWEE.

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Matilda Brown Age 10

Owner's name Lewis Ross Citizenship Delaware

Year N. A. Page 154 No. 3804 District Cood

Parents:

Father Bill Ross dead Citizenship Delaware

Mother unknown " Citizenship "

Names of Children:

3. Willie Brown Year N. A. Page 154 No. 3806 Dist. Cood 14

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12 Year Page No. Dist.

Application made by Stenographer

Notes: Father: Page 151 No. 3147, Cood.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Matilda Warren for enrollment as a Cherokee Freedman.

No. F. D. 587

Harris Clark, of lawful age, being duly sworn on oath states that on the 17th day of September, A. D., 1901, he registered to Matilda Warren whose postoffice is Hayden Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 25th day of September, 1901, he received the return card which is hereto attached, signed by the said Matilda Warren showing that he had received said notice.

Harris Clark

Subscribed and sworn to before me on this the 25th day of Feb. A. D. 1901.

[illegible] Clark
Notary Public.

90

4205 87

No. D.....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

. day of .....A. D. 1901

Given under my hand this

day of . A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

... ...day of .. . , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A.D.1901

Subscribed and sworn to before me

this day of A.D.1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 25 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Matilda Warren for enrollment as a Cherokee citizen:

Case No. D 587

To Matilda Warren Hayden I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on Sept. 24th. at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 17th Sept. 1901.

L B Bell

Attorneys for the Cherokee Nation.

F. D. 537

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of ..... A. D. 190..

Given under my hand this .....

day of ..... A. D. 190

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

.....day of ....., 190 .

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the day of ..... A. D. 190

.....

Subscribed and sworn to before me this .....

DEPARTMENT OF THE INTERIOR, ...

COMMISSION TO THE FIVE CIVILIZED TRIBES. Notary Public.

FILED
OCT 2 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of .....
for enrollment as Cherokee Freedmen.

Case No. F. D .....

To .....

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of ..... Indian Territory, on ..... or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this .....

R. Bell

W. M. Hastings

.....

Attorneys for the Cherokee Nation.

1901

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee I.T. Oct 22 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Malitha Warren et al for enrollment as Freedmenof the Cherokee Nation.

Michael [illegible]
Attorney for applicants

No. C J R 587

FILED
MAR 17 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen-D-587.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 7, 1905.

In the matter of the application for the enrollment of Matilda Warren et al. as Cherokee Freedmen.

The applicants and the Cherokee Nation, together with their respective attorneys, were notified that the matter of the application for the enrollment of Matilda Warren et al. would be taken up by the Commission, at its offices in Muskogee, Indian Territory, on March 7, 1905.

On this day Blue and Bulger appeared on behalf of the applicant, and Bell, Hastings & Davenport on behalf of the Cherokee Nation.

By stipulation and agreement, the case was continued to March 20, 1905.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 7th. day of March, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson.

Subscribed and sworn to before me this the 17th. day of March, 1905.

Myron White

Notary Public.

FILED
MAR 25 1906
COMMISSION TO FIVE TRIBES.

CHEROKEE FREEDMEN D 587

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE?, I.T., MARCH 21, 1905.

In the matter of the application for the enrollment of MATILDA WARREN and her ward, DELLA SYKES, as Cherokee Freedmen.

On March 20, the applicants here represented by their attorney, George E. McCulloch, of Vinita, Indian Territory, and the Cherokee Nation by its representatives, Bell, Hastings & Davenport, and by consent the case is continued until March 21, 1905. Case called, applicants appear by their attorney, George . McCulloch.

APPEARANCES:

Applicant by attorney, George E. McCulloch,
Cherokee Nation by attorneys, Bell, Hastings & Davenport.

VINA SCALES being first duly sworn testifies as follows:

Q What is your name? A. Vina Scales
Q How old are you? A. About 74
Q What is your postoffice address? A Vinita.
Q Are you related in any way to Matilda Warren?
A. Yes sir, she is my sister.
Q Full sister? A. No, by one mother.
Q Not the same father? A. No sir.
Q Are you related to Della Sykes? A. Yes sir, Della Sykes is my neice, another sister's child, she is dead, her name was Agnes Ragsdale. She died in '67, that is Della's grandmother, I don't know when her mother died.
Q Do you remember the war? A. Lord, yes, I reckon I do.
Q Where were you during the war? A. I moved up to Kansas first of August, '62.
Q When did you come back? A In '66, I don't know whether the last of March or first of April; I can't remember just the date, when we came we settled in the widow Rider's house, and raised a crop there that year, on that fall we went out on Pryor Creek, all of us.
Q Was Matilda Warren with you? A. Yes, we all went together and all came back together.
Q In March, 1866? A. Yes, sir.
Q Where has she lived since that? A. On Lightning Creek
Q Has she always lived in the Cherokee Nation?
A. Yes sir, she never had no home nowhere else.
Q Has she always lived here--in the Cherokee Nation?
A. She lived around some; she was left a widow, her husband was killed here at Fort Gibson, and she would have to go out up into Kansas once in a while to get something to keep her children on but she lived here. I don't know just when her husband was killed but he was killed at Fort Gibson, there that time----
Q What about Della's mother? A. Her mother was Vina Ragsdale, she went with us, and we all came back together.
Q Did Della's mother come back with you? A . Yes sir, her mother and her grandmother
Q Did her mother and she come back with you? A Yes sir.
Q Is she living? A No sir, she is dead, she died when Della was about two years old, somewhere along there.

MR. McCULLOCH:

Q Have you always lived in the Cherokee Nation since you came back?
A. Yes, sir, always lived right in the Cherokee Nation.
Q How near were you living to Matilda at the time she came back?
A. Well, we all come back together and lived together at first, as I said, and I left them on Lightning Creek.
Q Ever visit them? A Yes, sir, I visited them. My mother was living up there at the same time, and I would come up to see Mother, and always saw them all.
Q. Have you any way by which you can fix the date, '66?
A. Well, sir, it was enough talked about; you know I had three brothers-in-law in the service and they was mustered out in '65 in the winter and all come home and we had a big time together, and then we fixed to come down here. There was a man named Miller sent a tract up there in Kansas for us all to come home.
Q You mean a printed paper? A Yes, sir, a little book, like, and my brother-in-law he was living at Iola and he got on his horse and rode up about Garnett to notify his friends.
Q Well have you any other way? A Yes sir, my sister Aggie was taken sick in ' 6 and died in '67. And then at that time the Pin Indians used to have gatherings on Grand River; All the Cherokees used to meet there with them and have a barbecue, and we'all used to meet. We all use to be just like one, all the colored people and the Indians. Them old time Indians used to tell us we was all Chule-har.
Q What do you mean by "Chule-har".?
A. Just all like one.

MR. DAVENPORT:

Q Did Matilda Warren and you go to Kansas together? A? Yes sir
Q You located at what point? A. Round Iola.
Q How far from Garnett? A I don't know, I can't tell you
Q Where were you living when this manMiller sent the tract you spok of? A. Right there in the neighborhood of Iola.
Q What did that tract, or notice have reference to? A. Said we must all come home. Just all get home in such a time, as well as I can remember.
Q Now, what did they want you to come home for--what was the condition? A. Well, sir, that has one beyond my knowledge.
Q I will ask you was not that telling you there had been a Treaty made, that if you returned home in a certain time you would get certain rights. A. The treaty wasn't made when we come home.
Q You don't mean Miller or anyone else was telling the colored people to come home before the treaty was made?
A. Well, I couldn't tell you anything about that, but I know the treaty wasn't made when we come home and when we used to meet them Indians.
Q Well, when did you come home? A. [illegible] in March or April.
Q You can't tell me then, who [illegible] ?
A. No, but I know he got the tract.
Q And that tract told you all to come home?
A. Yes sir, I know it told us all to come back home.
Q. Don't you know that tract told you that a treaty had been made by which if you all came home you could get an interest in the lands? A. No, the treaty had not been ratified then-- that is what they called it then-- I don't know what they call it now.

Q When did Matilda marry? A I don't know when she married Warren. She married Ellis Johnson before the war, and had two or three children, and he got killed at Fort Gibson.
Q Where did Ellis Johnson go during the war? A. He was a soldier in the three-year service; I had three brothers-in-law in that service.
Q Did Ellis Johnson come back here when you came? A Yes sir. He came with his family.
Q How many children had Matilda at that time? A. She had three I think; she had this John that died up here a while ago, she had Sphie and Matilda and John, they are all dead now.
Q How far from Iola did Matilda live durin the war?
A. Four or five miles I reckon, with a man named Parker.
Q What direction from Iola? A. I can't tell you that.
Q Was he a white man? A. Yes sir, she lived on his place.
Q She lived on his farm? A. Yes sir. They all went into the service in '63 I reckon.
Q Where did you locate on Pryor Creek? A. Pretty near the old crossing where they had before the war.
Q What neibors, Cherokees or whites did you have then?
A. Well, Blue Alberty lived there, had a little store out in the country.
Q Is Blu Alberty living now? A I couldn't tell you; I know he lived there then, had a little what they called a one-horse store two or three miles from where we lived.
Q What was the closest town? A. Oh, we never had no towns in this country then.
Q Wasn't any town in this country? A No sir.
Q When Matilda came down to the Cherokee nation where did she live? A. On Lightning Creek. We all stopped in the Widow Rider's house that summer, there was four married sisters of us.
Q Where was this Rider house? A. On Grand River.
Q. Which side of the River? A. This side.
Q On the west side? A. Yes sir.
Q How far from Blue Alberty? A. I could not tell you just exactly, he lived up there, and John Grass lived in sight of us.
Q How long did Matilda live there? A. I don't know, I moved to Fort Gibson in '68.
Q Where did Matilda go after that? A. I could n't tell you that.
Q When was Ellis Johnson killed? A. I could not tell you the date
Q Was it before or after you moved to Fort Gibson? A. It was after.
Q Do you know about what year that was? A. No,sir, I don't.
Q Well, after Ellis was killed, what became of Matilda?
A. She staid up there with mother and father . That was the time when used to leave the children with mother and father and go out to work.
Q Where was she living when she and Warren were married?
A. In the Cherokee Nation think in Clymore, I wasn't there.
Q Wasn't she married in Kansas? A. Why no, Mr. Davenport, No sir, they got a license and was married there. I think she told me they was married at Clymore. I was at Vinita.

Q How long did Matilda live in Kansas after the war?
A. Never did live there as I know of.
Q Are you in a position to say that she never did live there?
A. Yes; She just used to go there to work.
Q You didn't see her often? A. Only when I would come up to see Mother and all of them. She could not come down to Gibson but I would see her up there.

COMMISSION:

Q Are you on the 1880 roll ? A. Yes sir.
Q Dom you know how it is your sister is not on the 1880 roll?
A . No, she says her census was taken, hers and Johnny Johnson's John Hicks taken it, but when she was up there they was not on it.
Q You don't know only what she told you? A. No sir.

Witness is identified on the Cherokee roll of 1880.
Mr. HASTINGS: The representatives of the Cherokee Nation object to the Commission referring to the enrollment of this witness as immaterial and in no way strengthening the testimony of the witness.

COMMISSION;
Witness is identified as Vina Scales on Cherokee card No. 1887.

ROSE ALLEN being first duly sworn, testifies as follows:

Q What is your name? A. Rose Allen.
Q How old are you? A. I guess I am about 49, my young mistress told me.
Q What is your postoffice? A. Vinita.
Q Are you related to Matilda Warren? A. Yes sir.
Q What relation? A. Sister.
Q Full sister? A. Yes sir same father and mother.
Q Are you on the final roll? A. Yes sir I have been approved by the Secretary.
Q Do you remember the war? A. A little, yes sir.
Q Did you know Matilda warren during the war? A. Yes sir.
Q As far back as you can remember where were you living?
A. We were on Grand River, where the old Orphan Asylum was.
Q Was that before the war? A. Yes sir.
Q Do you know where Matilda went during the war? A. Went to Kansas; we all went to Kansas.
Q Did you and the previous witness go together? A. Yes sir, all went out together.
Q Do you know when Matilda returned? A. In '66, all came back together.
Q Did you come back together, with her. ? A. Yes sir.
Q Where did you settle? A. On the old Rider farm.
Q Was that in the Cherokee Nation? A. Yes sir.
Q How often have you seen her since that time? A. Knew her all the time. Seen her every day or two then, but when we moved on the other farm seen her once or twice a year,
Q Do you know whether she ever lived outside of the Cherokee Nation?
A. No sir, only went outside to work.
Q Do you know whether she ever lived any place outside the Cherokee Nation? A. No sir.
Q Do you know of your own knowledge whether she has lived in the Cherokee Nation? A. Yes sir.

MR. MC CULLOCH:

Q Do you remember about when you returned to the Cherokee Nation after the war? A. Along in the spring , March or April,

Q How do you fix the date, '66? A. Hearing the older people talk about it so much

Q Have you any other way to place it? A. Well, I remember when we were down on the old Rider place the Pin Indians used to meet there and Pa used to meet with them. That was before the Treaty.

Q Do you know anything else about it being '66?
A. I remember my brother-in-law, Ben Foreman had one of them little books and he got on his horse and rode all around and told the Cherokee people to come back home before the treaty. And my sister died in '67.

Q How do you know that was '67? A. Well, we moved on Pryor Creek in the fall, and the next spring she died.

Q The spring after you moved made it the spring of '67? A. Yes sir

MR DAVENPORT:

Q When the war came up you were not very old were you?
A. I don't know how old I was, but I can remember it.

Q The war began forty-five years ago didn't it? A. I don't know sir. I was a child and we didn't know like children does now.

Q Where did you go in Kansas? A. Iola

Q How long did you live there? A. I don't know exactly

Q Has Matilda been married more than once? A Yes sir, her first husband was Ellis Johnson and got killed at Fort Gibson.

Q Where was she living when she married him? A. She was the slave of Lewis Ross.

Q Where was she living when she married her second husband?
A. She was living on Lightning Creek

Q Where were you living when Ben Foreman told about the notice that was sent up in Kansas? A. We were in Iola.

Q What was that notice? A. To tell them all to come back.

Q What was they to come back home for? A. Well, because it was home I guess.

Q Wasn't that after the treaty was made? A No sir.

Q Where did they make the treaty? A. I don't know, but I know my father met with the Pin Indians, I was small but I remember it.

Q Have you ever testified in this case before? A. No sir, I just only represented my sister.

Q Ben Foreman circulated that notice in Kansas notifying the Freedmen to come back to the Cherokee Nation in the spring before the treaty was made did he?
A. No, he didn't go before the treaty was made. I just know he told them all to come back home, I was a small child.

Q You were living in Kansas at that time? A. Yes sir.

Q And then you all came back--Now, wasn't that before the treaty was made? A. Yes sir, we came back before the treaty was made.

Q You didn't go back to the Nation before you moved away from Kansas? A. We was in the Nation and moved to Kansas, How could we come back here before we went to Kansas?

Q Now after you got to Iola Ben Foreman circulated the notice, that was done while you were livin in Kansas? A. Yes sir

Q Then you moved back to the Cherokee Nation? A. Yes sir

Q Then you moved back to the Cherokee Nation? A. Yes sir, we were all ready to move then. My brother had already come back.

Q You lived quite a while in Kansas, didn't you?
A. I lived there until my father and all of us came back.
Q But since that time? A No sir, I haven't lived there since. I lived in Chetopa four weeks once, and I have been out with my husband, he is a porter on the road and I have been out to St. Louis and places with him .
Q Who was living in the Cherokee Nation when you came back?
A. Lewis Downing, Major Wright, Bill Sanders, John Grass, they were all living there I know when I cameback from Kansas.
Q They all know when you came back? A. I don't know whether they know or not, they was there.
Q They would be likely to know? A. I reckon so.

COMMISSION:

Q You don't remember seeing Ben Foreman in Kansas?
A. My brother-in-law? Why, yes sir.

MR. MCCULLOCH:

Q Was Ben Foreman your brother-in-law? A. Yes sir, my sister's husband.

COMMISSION:

Q" Can you tell us when Ellis Johnson was killed? A No sir, but he was killed at Fort Gibson.

AMY BEAN being first duly sworn testifies as follows:

Q What is your name? A. Amy Bean.
Q How old are you? A. Fifty years old.
Q. What is your postoffice address? A. Vinita.
Q Are you related to Matilda Warren? A .Yes sir
Q What relation? A. Cousin.
Q Do you remember the war? A Yes,sir.
Q Remember '66? A. Yes sir. Bound to remember that.
Q Did you know Matilda Warren during the war? A. Yes sir, I knew her at the breaking out of the war.
Q Did you go to Kansas with her? A. No sir, I never went to Kansas.
Q Come back with her? A. No sir, I couldn't.
Q You remember the closing of the war? A. Yes sir.
Q Did you know Matilda at the closing of the war? A. Yes sir.
Q When did you see her? A. In '66, after she came back.
Q Who came back first, you or her? A. Why I never went out, I staid here.
Q You are sure it was '66 when you saw her first? A Yes,sir.
Q What time of the year? A. Along in the fall.
Q Where did you see her? A. At Fort Gibson.
Q How did you happen to see her? A. She came down there. My grandmother's funeral was preached and they all came down there.
Q That was in the fall of '66? A. Yes sir.

Q You don't know when she came there? A. Why she came in '66. I saw her.
Q Did you see her often after that? A. Yes sir, I saw her often after that.
Q How far did you live from her? A. I don't know how far, we lived on Pryor Creek and they lived on Grand River.
Q How often would you meet with her? A. Often and on, sometimes a year, sometimes better than a year.
Q Has she always lived in the Cherokee Nation so far as you know? A. So far as I know she has always lived in the Cherokee Nation
Q And you have seen her often? A. Often and on.
Q She may have lived in Kansas? A. I don't think she ever lived in Kansas any. She may have worked in Kansas.
Q You don't know whether she lived in Kansas or not.
A. I don't think she ever had any home in Kansas. She might have worked there.

MR. HASTINGS:

Q Who composed her family when you first knew her, --what name did she go by? A. Ellis Johnson was her husband. Her name was Matilda Johnson and she had Matilda and Sophie and John.
Q Did she have these three children when you first saw her?
A. Yes sir, and her husband was with her.
Q Where did she live when you first saw her in a house in the Cherokee Nation? A. On Pryor Creek.
Q What time of the year did you first see her? A. Late in the fall of '66.
Q What year is this? A. This is 1905.
Q What year did Kerns-Clifton make that roll? A. I don't know.
Q What year was the big Freedman payment made? A. Well, I never got that by heart.
Q What year did Wallace make a roll? A. I don't remember, I never studied that out.
Q What year did Ellis Johnson die? A. He was killed at Fort Gibson.
Q What year? A. Well, I don't know as I can tell just what year.
Q Where was Ellis Johnson living -- was he living with his father-in-law when you first saw him in '66? A. No, he had built another house right near to his father in law.

By consent and agreement of the attorneys for the applicants and for the Nation, this case will be continued until March 30, at 1:00 o'clock, P.M., for the introduction of further testimony.

Lucy M. Bowman being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the proceedings and testimony had in the above entitled cause on March 21, 1905, and that the above and foregoing, is a full, true and complete transcript of her stenographic notes thereof.

Lucy M. Bowman

Subscribed and sworn to before me this 22 day of March, 1905.

Tilly Lou Whitle
Notary Public.

FILED
MAR 30 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen-D-587.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 30, 1905.

In the matter of the application for the enrollment of Matilda Warren and Della Sykes as Cherokee Freedmen.

Applicants represented by F. M. Smith of Vinita, and Lewis T. Brown of Muskogee.

Cherokee Nation represented by James Davenport.

COMMISSION.

D. W. Light, being duly sworn, testified as follows:

Mr. SMITH:

Q. What is your name? A. D. W. Light.
Q. How old are you? A. 65.
Q. Are you a Cherokee by blood? A. Yes sir.
Q. Where did you live in '66? A. On Choteau Creek, near Choteau.
Q. How long had you been living there at that time? A. I went there in the spring of '65 and stayed till the fall of '67.
Q. Did you know a family of colored people by the name of Ross? A. Yes sir.
Q. Where did they live? A. On Tom Rider's place.
Q. Were they slaves? A. They belonged to Lewis Ross
Q. What was old man Ross' name-- I mean the colored man Ross? A. Bill.
Q. Do you remember his wife's name? A. No.
Q. How long did you know them? A. In the spring and summer of '66.
Q. Were they there when you moved in? A. They were somewhere in the neighborhood.
Q. What children did the old man have? A. Do you remember any of them? A. I remember one named Viney, one named Tildy, one named Frank, and I think he had one named Sam.
Q. Do you remember anything in particular about Tildy Ross? A. They called her Tildy Johnson. Her husband was killed in Fort Gibson after then.
Q. Do you know that she was married? A. They said she was.
Q. Do you know if she was married after '67? A. I don't know
Q. Did you have anything to do with this Tildy in '66? A. Nothing only they would come down and work for my wife at the house.
Q. Then where did you go in '67? A. Fort Gibson.
Q. After you moved away did you know anything more about them? A. No.
Q. Where did you next know where they lived? A. I don't know

that I know yet where they live. I saw some of them in Vinita

Q. You were a witness in the case of the Ross family? A. Yes sir, I was before the Cherokee Council or Commission.

Q. Do you know whether Tildy was out of the Cherokee Nation during the war? A. I do not know.

Q. You first knew her in '66? A. Yes sir.

Q. Did she move near where you were living then or was she living there when you moved? A. I think she come in.

Q. Did you live there after she had moved away? A. I think they were somewhere in the neighborhood. They were there before the '66 treaty was made.

Q. You do not know where they live now? A. No.

Q. You know from hearsay? A. I heard that some of them are about Vinita.

MR. DAVENPORT:

Q. Did you know them before the breaking out of the Civil war? A. No sir --- I believe I did know that man before the war- that is, I knowed him to belong to Lewis Ross.

Q. When you first knew them they came in there in '66? A. Yes sir.

Q. How late in the year, do you remember of them being there? A. In the summer of '66.

Q. You do not know what became of them? A. No sir, but I have heard of them over in that country.

Q. After they moved away from there you never saw them in the Cherokee Nation until a few years ago? A. No sir.

Q. You have no personal knowledge of where they have been living? A. No sir.

Q. Do you know whether or not Matilda Warren is the same woman that you knew there? A. I do not know the name of Warren at all. She was named Johnson.

Q. Do you think you would know Tildy Johnson if you were to see her? A. No sir, I don't suppose I would. It has been a long time since I saw her.

COMMISSION:

Q. How old a woman was this Tildy Johnson in '66? A. I do not know, but I suppose if she is living she is close on to 70 years old now.

Q. Did she have any children? A. I don't know.

Q. Was she married? A. She was married to a man named Ellis Johnson.

Q. Do you know Viney Sykes? A. I knew Viney Foreman.

Q. Was she living with Tildy at the time you knew them? A. I don't remember, but I don't think they all lived together.

Q. Was Viney living in that country in '66? A. They were all in that neighborhood.

Q. Did she have any children? A. I don't think she did.

Q. Was she married? A. Yes sir, she married a man named Ben Foreman.

WITNESS EXCUSED.

Applicants and the attorneys for the Cherokee Nation submit the case on the record as now made up.

Eula Jeanes Branson, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 30th. day of March, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson

Subscribed and sworn to before me this the 31st. day of March, 1905.

Myron White,
Notary Public.

Vinita Indian Territory, 3/26 1905

RECEIVED OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in Matilda Harrison and her niece Della Dykes for Enrollment as citizens of the Cherokee Nation I.T. No Ch D 587.

Geo. E. McCulloch.
Attorney for Applicant.

Cherokee freedman
D-587

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Matilda Warren, et al., as Cherokee freedmen.

--: D E C I S I O N :--

It appears from the record herein that on June 7, 1901 Matilda Warren appeared before this Commission at Chelsea, Indian Territory and made application for the enrollment of herself and her ward Della Sykes as Cherokee freedmen. Additional proceedings were had in the matter of said application at Muskogee, Indian Territory on March 7, March 21, and March 30, 1905.

The evidence in this case shows that Matilda Warren was a slave of a Cherokee citizen at the commencement of the War of the Rebellion; that she was taken out of the Cherokee Nation during said rebellion but returned thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee etc. vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said nation. It further appears that said Matilda Warren had resided in the Cherokee Nation continuously since her return thereto.

The evidence further shows that Della Sykes is a minor daughter of one Viney Sykes, deceased, who was a daughter of Agnes Ragsdale, a sister of Matilda Warren; that Agnes Ragsdale was a slave of a cherokee citizen at the commencement of the War of the Rebellion and was taken out of the Cherokee Nation during said rebellion but returned thereto within the time specified in the decree of the Court of Claims above referred to. Said Viney Sykes was brought to the Cherokee Nation in 1866 and lived continuously therein until her death. Her daughter, Della Sykes, appears to have lived continuously in the Cherokee Nation since her birth.

It is, therefore, the opinion of this Commission

that Matilda Warren and Della Sykes should be enrolled as Cherokee freedmen, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

MAY 26 1905

X 7R587

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. [illegible] Warren,
[illegible], I. T.
Cher[illegible]
Le[illegible]r.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COPY.

Cherokee Freedmen

D-587.

Muskogee, Indian Territory, February 13, 1905.

Matilda Warren,

Hayden, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and your ward, Della Sykes, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Tuesday, March 7, 1905, at which time you will be permitted to appear and introduce such testimony as you may desire in support of your said application.

You are further advised that the Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it may desire affecting your rights to enrollment as Cherokee freedmen.

Respectfully,

Tams Bixby.

Chairman.

Register.

COPY.

Cherokee Freedmen

D-587.

Muskogee, Indian Territory, February 13, 1905.

Louis T. Brown,

Attorney for Matilda Warren, et al.,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Matilda Warren, et al., as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Tuesday, March 7, 1905, at which time the applicant will be permitted to appear and introduce such testimony as she may desire in support of her said application.

You are further advised that the Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it may desire affecting the rights of the applicants to enrollment as Cherokee freedmen.

Respectfully,

(SIGNED) Tams Dixby.
Chairman.

Register.

COPY.

Cherokee Freedmen

D-587.

Muskogee, Indian Territory, February 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Matilda Warren and her ward, Della Sykes, as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Tuesday, March 7, 1905, at which time you will be permitted to appear and introduce such testimony as you may desire in the matter of said application.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

COPY.

Cherokee Freedmen

D-587.

Muskogee, Indian Territory, March 25, 1905.

George E. McCulloch,

Attorney for Matilda Warren, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on March 21, 1905, in the matter of the application for the enrollment of Matilda Warren, et al. as Cherokee freedmen, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

SIGNED. Tams Bixby,

Chairman.

Incl. S-89.

COPY.

Cherokee Freedmen

D-587.

Muskogee, Indian Territory, May 26, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 26, 1905, granting the application for the enrollment of Matilda Warren, et al. as Cherokee freedmen.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Dixby.
Chairman.

Incl. S-75

Cherokee Freedmen
D-587.

Muskogee, Indian Territory, June 21, 1905.

Matilda Warren,

Hayden, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 26, 1905, granting the application for the enrollment of yourself, et al., as Cherokee freedmen.

You are advised that you will not be permitted to make allotment selections until your names have been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which you will be duly notified.

Respectfully,

Tams Bixby
Chairman.

Incl. S-43.

COPY.

Cherokee Freedmen
D-587.

Muskogee, Indian Territory, June 21, 1905.

Louis T. Brown,

Attorney for Matilda Warren, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 26, 1905, granting the application for the enrollment of Matilda Warren, et al., as Cherokee freedmen.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-44.

REGISTRY RECEIPT.

Post Office at

FT. GIBSON, I. T.
SEP 17 1901

Registered Letter / Parcel No. B

at

addressed to

Hubbard Ross, P. M.

Cher Fr 1463

Cher Fr 1463

Cherokee Freedmen
D-1018

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emeline French as a Cherokee Freedman.

-:-

D E C I S I O N.

It appears from the record herein that on July 2, 1901, Maria French appeared before this Commission at Nowata, Indian Territory, and made application for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor child, Emeline French, as a Cherokee freedman. The application of Maria French being differently classified, is not included in this decision.

The evidence in this case shows that Emeline French was born since 1866, and is a daughter of Maria French and William French, now deceased. The said William French was the slave of a Cherokee citizen at the commencement of the war of the rebellion, and resided in the Cherokee Nation during the time necessary for the acquisition of freedman rights, under Article IX, of the Cherokee treaty of 1866.

It further appears that the said Emeline French has resided continuously in the Cherokee Nation from her birth until the date of this application.

James French, a full brother of said applicant, has heretofore been enrolled, his name appearing as Number 3480 upon the list prepared by this Commission of persons entitled to enrollment as Cherokee Freedmen and approved by the Secretary of the Interior November 16, 1904.

It is, therefore, the opinion of this Commission that Emeline French should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman

Commissioner

Commissioner

Muskogee, Indian Territory,

MAY 9 1905

COPY.

Cherokee Freedmen
D-1010.

Muskogee, Indian Territory, June 21, 1905.

Emeline French,

Lenapah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 26, 1905, granting the application for your enrollment as a Cherokee freedman.

You are advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which you will be duly notified.

Respectfully,

Tams Bixby
Chairman.

Incl. S-41.

COPY.

Cherokee Freedmen
D-1010.

Muskogee, Indian Territory, June 21, 1905.

Louis T. Brown,

Attorney for Emeline French,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 26, 1905, granting the application for the enrollment of Emeline French as a Cherokee freedman.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-42

(C O P Y)

Land
47215-1905

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS.

WASHINGTON. June 23, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Ellis Rogers.

June 16, 1905, the Commission decided favorably to the applicant, Commissioner Breckinridge dissenting..

The record shows that one Mary Rogers , deceased, was the slave of a Cherokee citizen at the beginning of the war of the rebellion and was the mother of the applicant; that the applicant was born about 1862 and together with his mother was taken out of the Cherokee Nation and that they returned thereto on or before February 11, 1867 and the applicant has continuously resided in said nation since their return.

In view of the record the approval of the Commission's decision favorable to the applicant is recommended.

Very respectfully

C. F. Larrabee
Acting Commissioner

M.M.M. (W)

Cherokee Freedman
1463.

Muskogee, Indian Territory, July 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Emeline French as a Cherokee Freedman, together with the decision of the Commission to the Five Civilized Tribes, dated May 26, 1905, granting said application. You are advised that the Cherokee Nation protests against the Commission's action in this case, a copy of which protest is enclosed.

Your attention is called to the fact that the attorneys for the Cherokee Nation were furnished a copy of the decision of the Commission on May 26, 1905, and were advised that they would be given fifteen days from that date within which to file such protest as they desired to make against the Commission's action. The Nation's protest was not received until July 17, 1905.

Respectfully,

Through the

Commissioner of Indian Affairs.

Commissioner.

Cherokee Freedman
1463.

Muskogee, Indian Territory, July 19, 1905.

Emeline French,

Lenapah, Indian Territory.

Dear Madam:

On June 21, 1905, there was transmitted you a copy of the decision of the Commission to the Five Civilized Tribes, dated May 26, 1905, granting the application for your enrollment as a Cherokee Freedman. You are hereby advised that the Cherokee Nation protests against the Commission's action in this case, a copy of which protest has been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory. There has heretofore been furnished your attorney a copy of the record of proceedings and a copy of the decision of the Commission to the Five Civilized Tribes.

The decision, with the record of proceedings had in this case, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Cherokee Freedman
1463.

Muskogee, Indian Territory, July 19, 1905.

Louis T. Brown,

Attorney for Emeline French,

Muskogee, Indian Territory.

Dear Sir:

On June 21, 1905, there was transmitted to you a copy of the decision of the Commission to the Five Civilized Tribes, dated May 26, 1905, granting the application for the enrollment of Emeline French as a Cherokee Freedman. You have heretofore been furnished with a copy of the record of proceedings. You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior, for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Cherokee Freedman
1463.

Muskogee, Indian Territory, July 19, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

Receipt is acknowledged of your protest against the decision of the Commission to the Five Civilized Tribes, dated May 26, 1905, granting the application for the enrollment, as a Cherokee Freedman, of Emeline French.

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior, for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. August 1, 1905.

Land.
57382-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated July 19, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Emeline French.

May 26, 1905, the Commission decided favorably to the applicant.

The record shows that the applicant was born since 1866 and is a daughter of Maria French and William French now deceased; that William French was the slave of a Cherokee citizen and entitled to Freedman rights under article 9 of the Cherokee treaty of 1866.

It further appears that Emeline French has resided continuously in the Cherokee Nation from birth; that James French, a full brother, has heretofore been enrolled, his name appearing at No. 3440 on a list of persons entitled to enrollment as Cherokee freedmen approved by the Department November 16, 1904.

The attached protest of the Cherokee Nation has been carefully considered.

In view of the record the approval of the Commission's

decision favorable to the applicant is recommended.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

M.M.M.
W.

Cherokee-F-1463.

Muskogee, Indian Territory, August 9, 1906.

Louis T. Brown,

Muskogee, Indian Territory.

Dear Sir:

This office is in receipt of your letter of August 7th, stating that you no longer represent Emeline French in the matter of her application for enrollment as a Cherokee Freedman. Your letter has been noted and filed.

Respectfully,

Acting Commissioner.

W.C.F.
Y.P.
LLB

D. C. 47567-1905.
I.T.D. 9742-1905.

LRS

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

October 12, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

July 19, 1905, you transmitted the record in the matter of the application of Emeline French for her enrollment as a Cherokee freedman.

The Nation protests against the Commission's decision.

Reporting August 1, 1905, the Indian Office recommended that the Commission's decision, favorable to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock.

Secretary.

1 inclosure.

48346

D. C. 83150-1905

I.T.D. 7744-1905

LRS

W. C. F.
Y.P.
LLB

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

October 16, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On June 16, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Ellis Rogers as a Cherokee freedman including the decision of the Commission of June 16, 1905, holding that the applicant is entitled to be enrolled.

Reporting June 20, 1905, the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

The applicant was born during the war. The record does not show clearly that the applicant's mother, Mary Rogers, was a slave of a Cherokee citizen at the beginning of the war, neither is it clearly shown that the applicant returned to the Cherokee Nation prior to February 11, 1867.

The Department therefore does not feel warranted in approving the decision of the Commission as the record now stands.

The case is hereby remanded and it is desired that you take further testimony in the matter.

Respectfully,

(Signed) E. A. HITCHCOCK
Secretary

2 inclosures. (Land 47215-1905)
Through the Commissioner of Indian Affairs.

Cherokee Freedmen

No. 1463.

Muskogee, Indian Territory, October 21, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are advised that the decision of the Commission to the Five Civilized Tribes, dated May 26, 1905, granting the application of Emeline French as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 12, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Incl. S-284

Cherokee Freedmen

No. 1463.

Muskogee, Indian Territory, October 21, 1905.

Emeline French,

Tenapah, Indian Territory.

Dear Madam:

You are advised that the decision of the Commission to the Five Civilized Tribes, dated May 26, 1905, granting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 1[illegible], 1905.

For your information there is inclosed a copy of Departmental letter referred to.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which you will be duly notified.

Respectfully,

Incl. T-283

Commissioner.

-COPY-

Lenapah, I. T. 5/20 06.

To the Hon. Secretary of Interior,

Sir:

I want some information. My case has been approved over one year by your office and still the Dawes Commission denies the privilige of filing on my improvements. Please tell me what is the trouble in this case as my case has been decided on favorably I have filed a contest against Harvey Beck. He filed my place and I filed a contest against him Nov. 1905. The said Harvey Beck filed on my place August 1905.

Emaline French.

Cherokee Freedmen
1463

Muskogee, Indian Territory, June 5, 1906

Edward C. Funk,

Clerk in Charge Cherokee Enrollment Field Party,

Tahlequah, Indian Territory.

Dear Sir:

You are requested to advise this office by return mail whether there are any red ink notes on the copy of Cherokee Freedman Roll Card Field No. 1463, Emeline French, with reference to a motion having been filed to review or reopen the case, or for the Department to reconsider it.

Respectfully,

LMB

Commissioner

Muskogee, Indian Territory, June 21, 1906

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt, by Departmental reference, without date, for report and recommendation thereupon, of a letter from Emaline French, Lenapah, Indian Territory, dated May 20, 1906, asking information relative to her case, and stating that she filed a contest against the allotment of certain land selected by Harvey Beck.

In reply you are respectfully advised the records of this office show that the decision of the Commission to the Five Civilized Tribes granting the application for the enrollment as a Cherokee freedman of Emeline French, was affirmed by the Secretary of the Interior on October 12, 1905(I.T.D. 9742-1905). The name of Emeline French will be included in the next schedule of Cherokee freedmen forwarded for Departmental approval.

The records further show that on November 10, 1905

Emeline French appeared before this office and instituted contest proceedings against the allotment of certain land in the Cherokee Nation selected by Harvey Beck, and that the right of said parties to the land in question has not been determined.

The letter of Emeline French is returned herewith.

Respectfully

Through the

Commissioner of Indian Affairs.

L M B

Commissioner

Encl. B-66

C O P Y .

JFJr

DEPARTMENT OF THE INTERIOR, LLB

Washington.

D.C.30342

I.T.D.11904-1906. July 12, 1906.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On June 21, 1906, you transmitted a report in the matter of a communication from Emaline French, of Lenapah, Ind. T., relative to her application for enrollment as a Cherokee freedman, and to a contest she had filed against the allotment of certain lands selected by Harvey Beck.

You state that said Emaline Frnech has been enrolled as a Cherokee freedman and that the contest case to which she refers has been instituted but the right of the possession to the land in question has not been determined.

Said report is approved.

Respectfully,

Through the Commissioner
of Indian Affairs.

Jesse E. Wilson.

Assistant Secretary.

Admitted

Cher Fr 1464
Trans. from Cher Fr D 742

Cher Fr 1464

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as Cherokee Freedmen of:

David Johnson et al. ----Cherokee Freedmen-D-742.

FILED
OCT 27 1903
COMMISSION TO FIVE TRIBES.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 17, 1901.

In the matter of the application of David Johnson for the enrollment of himself as a Cherokee Freedman, and for his wife as an intermarried Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A David Johnson.
Q How old are you? A I guess I am about 35.
Q What is your post-office address? A Vinita.
Q What district do you live in? A Coweescoowee District.
Q You apply to be enrolled as a Cherokee Freedman do you? A Yes sir
Q Who do you want to enroll besides yourself? A I have got a wife.
Q What is her name? A Frances.
Q How old is she? A About 24.
Q Have you got any children? A No sir.
Q Are you a recognized citizen of the Cherokee nation? A I have been.
Q Is your name on the roll of 1880? A I couldn't say.
Q What was your wife's mother's name? A I couldn't really tell
Q What is her mother's name? A Now you are a little too hard for me.
Q Is your wife on the roll of 1880? A No sir.
Q Is she known as a state woman? A Yes sir.
Q When were you married to her? A I was married about, this will make seven years.
Q Have you got any children? A No sir.
Q Have you got any certificate of marriage? A No sir, when I was married there wasn't no certificates issued.
Q Where were you married? A At Vinita.
Q Did you get a license? A No sir, they wasn't issuing no licenses
Q The court was issuing licenses? A No, when I was married this Arkansas court wasn't established and then and I went before Mr. John Duncan, he was clerk there then and I went to him and asked him for information for license and he told me if I had been recognized citizen why---
Q Well I don't care what Duncan said, who married you? A Man named McGee.
Q Is he living? A Yes sir.
Q You know where he lives? A He is south, but I couldn't tell just where he is.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant and name not found;
Kern-Clifton pay roll of citizens of the Cherokee nation examined and applicant found on
page 148 #3660 Dave Johnson, Coweescoowee District;
Wallace roll of citizens of the Cherokee nation examined and applicant identified on
page 192 #3501 David Johnson, (No district)

Q What was your father's name? A Guy. Starr.
Q Is he living? A No sir.
Q What is your mother's name? A Jane Starr.
Q Is she living? A No sir.
Q Do you claim citizenship through your mother or your father?
A Through my mother.
Q How long has she been dead? A I was a child when she died.
Q Is her name on the roll of 1880? A I don't know sir.
Q Was she a slave, your mother? A Yes sir.
Q Who did she belong to? A She belonged to Jim, old Ben Johnson's son, that was Jim Johnson.

Q Was he a Cherokee citizen? A Yes sir.
Q Was your mother taken out of the Nation during the war? A No sir, shewas a slave whenshe died.
Q You have always lived in the Cherokee Nation yourself? A Yes sir, nowhere else since I was a baby, up to what I am, besides in the Cherokee Nation.

BY CHEROKEE REP'VE W.W.HASTINGS:

Q Where were you married? A At Vinita.
Q Have you ever lived any in Kansas? A No sir.
Q You went down south during the war? A Yes sir.
Q Do you remember going down there? A Well no sir, I was toosmall.
Q Do you remember anything of the incidents coming back? A Little bit.
Q You were quite small then? A Yes sir.
Q Of course you don't remember yourself the year? A No sir I couldn't tell you the year.
Q Who was along with you, do you remember that or not? A I think I can remember it yes sir, it was my father.
Q What was his name? A Guv. Starr. Was held slave by Cale Starr in Flint, and when Mr. Cale Starr returned back to the old place in Flint then my father helped Cale Starr drive his stock and things back.
Q And then he turned him loose? A Then we returned and we come back with my father.
Q And then you all come back with Cale Starr? A Yes sir.
Q You know Zeke Starr's wife at Tahlequah? A I was small.
Q Did you ever know her sine? A No sir.
Q Did you ever know Charlie Starr, who died in Sequoyah District? A Yes sir.
Q Did you come along with him? A Yes sir.
Q Did you know Ellis Buffington, up in Flint, now Superintendent of the Female Seminary? A Yes sir.
Q That's the same man? A Yes sir.
Q Did you come back as he came? A Yes sir.
Q Did you live with him awhile? A Yes sir.
Q Where did you live first before the war? A I lived right on this side of Ft. Smith in the Territory, right back of a place, the old Benge farm, my father in his lifetime before he died attended old Benge's farm a year or two year, I don't remember which, I was getting up pretty good sized boy, and after my father died Ellis Buffington's brother then me away from my step-mother and taken me to Big Sallisaw.
Q Does Ellis Buffington know when you came back here? A He ought to know.
Q Did he come back with you? A That's something I couldn't tell.
Q How about your witness, Jerry Foster, did he come back with you? A I think he did, I aint sure.
Q You have been living in the Nation ever since you came back? A Yes sir.
Q What about this other fellow, George Starr, did he come back with you? A He was held by the same man.
Q You don't know whether he came back with you or not? A No sir, not really particular.
Q You don't know about that? A No sir.

BY CHEROKEE REP'VE L.B.BELL:

Q Do you know what your mistress' name was? A Mary Jane Johnson.
Q She was a sister of old Cale Starr? A I think she was some relation of Cale Starr.

BY COM'R NEEDLES:

Q She was a Cherokee Indian? A Yes sir.
Q Who was your master? A It was old Cale Starr, she was a widow- old Jim Johnson- she married Jim Johnson, that was old Ben Johnson's son, and she married him and after he died that left me with

her, Mary Jane Johnson, and my mother.
Q Did yourmother belong to Mary Jane Johnson? A Yes sir.
Q Your father too? A No sir, my father belonged to different man. Belonged to Cale Starr.
Q Cale Starr was aCherokee citizen was he? A Yes sir.
Q You don't recollect much about being taken out of the Nation, you was a child, a baby? A Yes sir, I was a small child.
Q You recollect that you was taken out? A Yes sir.

JERRY FOSTER, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jerry Foster.
Q How oldare you? A I am about 50 somewhere along there I guess.
Q You are a recognized Cherokee Freedman? A Yes sir.
Q Your name on the roll of 1880? A Yes sir.
Q Do you know the applicant here, David Johnson? A I know him when he was a baby.
Q What is his father's name? A Guy.
Q His mother? A Jane.
Q Who did his mother and father belong to? A His mother belonged to Jim Johnson and his father belonged to Mrs. Starr.
Q They were Cherokee citizens? A Yes sir.
Q Indians? A Yes sir, Cherokee Indians.
Q You know , was this boy David taken out of the Nation during the war? A I think they went to the Choctaw Nation, I don't know.
Q Father and mother? A Yes sir.
Q You know when they returned? A No sir, I don't.
Q Don't know anything about that? A No sir.
Q You have been knowing David all his life? A Yes sir, I knowed him ever since hewas a little kid.
Q He was born and raised in the Cherokee Nation? A Yes sir.
Q Born a slave? A Yes sir.

GEORGE STARR, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A George Starr.
Q How old are you? A I am 48.
Q What is your post-office? A Hayden.
Q Are you a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A No, none on but my oldest boy.
Q Do you know David Johnson, the applicant here? A Yes sir.
Q How long have you known him? A Ever since he was a boy.
Q What was is father's name? A Guy Starr.
Q What was his mother's name? A Jane Johnson.
Q Who did Guy Starr belong to? A Zeke Starr.
Q He was a slave then was he? A Yes sir.
Q Who did this applicant's mother belong to? A Jim Johnson.
Q Jim Johnson was a Cherokee citizen by blood? A Yes sir.
Q You know whereabouts the father and mother and himself were taken out of the Cherokee nation during the war? A They went to the Choctaw Nation.
Q Did they take David alog with them? A Yes sir.
Q You know when they came back? A They came back with Cale Starr, but I don't know when.
Q Have you known David all his life? A Yes sir.
Q Has he ever been out of the Nation sine he came back? A No sir, only been out to the Choctaw Nation.

APPLICANT, DAVID JOHNSON, re-called, and further examined.

BY COM'R NEEDLES:

Q Was your wife a slave? A I think she was.

Q You don't know who her father and mother was, or anything about her? A No sir.

Q Have you got any proof ofmarriage to her? A I have got only the people.

Q Are they here? A No sir.

Q You were married before you married Frances? A Yes sir.

Q What was your wife's name? A Mintie.

Q Is she living? A Yes sir.

Q Did you get a divorce fromher? A Yes sir, she went and married before I did.

Q But did you get any legal divorce from her? A Yes, she told me she was going to leave me.

Q Did you get a divorce in the courts? A No sir.

Q Was her name Mintie? A Mintie Vann.

Q You and her just separated and then you married Frances? A Yes sir.

Q Was Frances ever married before she married you? A No sir.

Q What was Frances' name beforeyou married her? A McCoy.

Com'r Needles:David Johnson applies for the enrollment of himself and wife Frances; his name cannot be found upon the authenticated roll of 1880, but he ids duly identified upon the Kern)clifton pay roll and the Wallace roll; he avers that he was married to one Frances McCoy, whom he avers to be a Cherokee Freedman, about 7 years ago; he presents no proof of his marriage;he ~~xxx~~ also avers that he was formerly married to one Mintie Vann, from whom he was not divorced, and that she is still living; he avers that he is a child of Guy Starr and Jane Johnson, who~~m~~ were slaves, his father belonging to Cale Starr, and his mother to Mary ~~Johnson~~ Jane johnson, Cherokee citizens; he avers that he was taken out of the Cherokee Nation when a child, now only being 35 years of age, and returned when he was a child, having been taken to the Choctaw nation; he makes satisfactory proof as to his residence, he having lived in the Cherokee nation all his life since his return; by reason of the fact that he is not upon the authenticated roll of 1880 andno satisfactory proof has been made as to the fact that he returned in time specified by the Treaty of '66, although he was a minor child when he was taken out and aminor when hereturned, he will be now listed for enrollment as a Cherokee Freedman on a doubtful card.

He offers no testimony as to the citizenship of his wife, Frances, and makes no proof of his marriage, consequently Frances McCoy will be duly listed for enrollment as a Cherokee Freedman on a doubtful card; he avers that his wife was what is known as a state raised woman, but makes no satisfactory proof of his marriage, and no proof whatever as to legal divorce having been obtained between him and his first wife, Mintie Vann; he having been separated from her, and she at this time being alive.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript ofhis stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June ~~26~~ 1901.

D D Needles

Commissioner.

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COMMISSION TO FIVE TRIBES.

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Cherokee Freedmen D 742.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 3,1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION, in the matter of the application of David Johnson for the enrollment of himself and wife as Cherokee Freedmen.

Appearances:
W.W.Hastings, af attorneys for the Cherokee Nation.

BY COMMISSION: The Cherokee Nation by its attorneys makes satisfactory proof of service on said David Johnson that it would introduce testimony tending to disprove his right to enrollment as a Cherokee Freedman at the offices of the Commission on the 3rd day of March,1902; applicant has this day to-wit: 3rd day of March,1902, been called three times, and fails to respond, either in person or by attorney.

ELLIS W. BUFFINGTON, being first duly sworn and being examined testified as follows:
BY W.W.HASTINGS:
Q What is your name? A Ellis W. Buffington.
Q What is your age? A 53.
Q Do you know Cale Starr? A Yes sir.
Q When did he leave Texas after the war? A He left there in the winter of '65, in December, or January, 1866, I don't know exactly which; they didn't live right where we lived; we lived about forty miles apart. I think though it was December,1865.
Q Did you overtake them on the road to the Cherokee Nation?
A Yes sir, in May '66, on Sans Bois in the Choctaw Nation.
Q Did you come on from the Choctaw Nation to the Cherokee Nation with Cale Starr? A Yes sir.
Q How long did you stay down on Sans Bois? A We stayed there during the summer of '66, from May until October or November.
Q Come on in the fall of '66? A Yes sir.
Q Into the Cherokee Nation? A Yes sir.
Q I will ask you if a colored man named David Johnson came with you and Cale Starr to the Cherokee Nation? A No sir.
Q How long after you were in the Cherokee Nation until yousaw David Johnson? A Well it was in '68, I am pretty certain it was '68; my mother found him down there at Fort Smith on this side of the river, on the Jackson King farm, and brought him to our house, and that was the first time I saw him.
BY COMMISSION:
Q You don't know when he came back here? A No sir.
Q Was he in the Cherokee Nation when you first saw him? A Yes sir.
Q Any slaves come back with Cale Starr when he came in '66?
A There was two, one named Battiest Johnson and the other one was ~~named~~ a little girl, my grandmother raised, named Sallie.
Q What became of this Battiest Johnson? A I heard that he was dead; he did live up on Big Creek in Cooweescoowee; he was an uncle of this Dave Johnson.
Q Those are the only people that came with Cale Starr? A Yes sir. Only darkies.

M.D.Green,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this March 4,1902.

Commissioner.

Cher. Fr. D-742.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 24, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of DAVID JOHNSON as a Cherokee Freedman.

Appearances:
W. W. Hastings and L. B. Bell, Attorneys for Cherokee Nation

DAVID JOHNSON, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: State your name? A Dave Johnson.
Q How old are you? A I just really couldn't tell you how old I am.
Q Were you born since the close of the war? A Yes sir, just at the beginning of the war, I think, somewhere near.
Q Were you born during the war, or before the war began? A That's a little too hard for me to tell. My mother was a slave when I was born, but I couldn't tell you anything about just when it was.
Q You don't know yourself whether you were born before or during the war? A No sir.
Q Were you taken out of the Cherokee Nation during the war?
A No sir.
Q Never taken out at all? A Not as I know of, no sir.
Q Do you remember the war yourself? A No sir, not at all. I was too small.
Q Then you couldn't remember whether you were taken out or not?
A No sir, I couldn't really say whether I was taken out or not.
Q Do you remember that or you and your parents came back with Cole Starr or not? A Yes sir, that's what I was told, all returned back.
Q You were always told you came back with Cole Starr after the close of the war, you and your father and mother? A Yes sir.

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We, Hutchinson, being first duly sworn, do hereby swear that as a notary to the Commission to the Five Civilized Tribes we have correctly recorded the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of said proceedings to the best of our knowledge.

W. H. Hutchinson

Subscribed and sworn to before me this 24th day of September, 1903.

Charles R. Lamar
Notary Public.

By the commissioner:

Q Was [illegible] born [illegible] war? A Yes, sir.

Q How long before the war? A No, was a little little [illegible] when the war commenced.

Q About how old was he? A I guess eight or nine years old, to my best knowledge.

Q Where did his parents live when the war came up? A Up there in the mountains, belonging to the Delawares.

Q What Territory? A Cherokee Territory, Fort Smith.

Q Near what town? A Near Webbers Falls.

Q And the settlement here was some of it or nine years old, you think, when the war came up? A I think he was a much older.

Q You know he was born before the war? A Yes, sir.

Q Do you know when he first [illegible] the [illegible] on the war? A No, sir, not exactly.

Q When was the first time you ever [illegible] after the war? A Been 14 or 15 years.

Q That is the first time you [illegible] [illegible]

By Mr. Dawson:

Q You say [illegible] A [illegible]

Q How far [illegible] miles [illegible]

Q [illegible]

Q [illegible]

Q [illegible]

Q [illegible]

F [illegible]
DEC 16 1984
COMMISSIONER OF THE TRIBES.

Cherokee Freedmen D 742.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JULY 28, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of DAVID JOHNSON, ET AL., as Cherokee freedmen.

It appears that on July 5, 1904, the applicant and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 27, 1904, and then and there introduce further testimony touching the points mentioned in said letter, and the case is by agreement taken up this day.

APPEARANCES:
Applicant, David Johnson, appears in person and by attorney, J. Garfield Buell.
Cherokee Nation by its representative, James S. Davenport.

AMOS ADAIR, being first duly sworn, testified as follows on behalf of the applicants:

By the Commission:
Q What is your name? A Amos Adair.
Q How old are you? A I am past 70.
Q What is your postoffice address? A Fort Gibson.
Q Do you know the applicant in this case, David Johnson? A Yes, sir.
Q About how old is he? A Dave, I guess, let me see, he is about 40 years old.
Q How long have you known him? A I have been knowing him ever since he was a little boy.
Q Did you know his mother? A Yes, sir.
Q What was her name? A Jane.
Q Jane what? A Johnson.
Q Did you know his father? A Yes, sir.
Q What was his name? A Gubb Starr.
Q When did you first know the applicant's father and mother?
A Away in slavery time.
Q Before the war? A Yes, sir.
Q Were they both slaves of Cherokee citizens before the war? A Yes, sir.
Q Who did the applicant's mother belong to? A Jane Starr.
Q Who did his father belong to? A Old Mrs. Starr.
Q They were recognized Cherokees by blood, were they? A Yes, sir.
Q Do you know where the applicant's mother went during the war?
A No, sir, I don't.
Q Do you know when she first return to the Cherokee Nation after the war? A No, sir, I don't know anything about that.
Q When did you first see her after the war? A I aint saw her since the war.
Q Is she living now? A She is dead, I suppose.
Q You have never seen her since away before the war? A No, sir.

By Mr. Buell:
Q When have you seen David since the war? A Lots of times; lived with him right here at Vinita.

By the commission:
Q Was this applicant here born before the war? A Yes, sir.
Q How long before the war? A He was a little bittie child when the war commenced.
Q About how old was he? A I guess eight or nine years old, to my best knowledge.
Q Where did he and his parents live when the war came up? A Up there in the Territory, belonged to Jim Johnson.
Q What Territory? A Cherokee Territory, Flint district.
Q Near what town? A Near Evansville.
Q And the applicant here was some eight or nine years old, you think, when the war come up? A I think he wasn't much older.
Q You know he was born before the war? A Yes, sir.
Q Do you know when he first came back to the Cherokee Nation after the war? A No, sir, not exactly.
Q When was the first time you ever saw him in the Cherokee Nation after the war? A Been 10 or 12 or 13 years.
Q That is the first time you saw him after the war? A Yes, sir.

By Mr. Davenport:
Q You say Dave and his mother belonged to Jim Johnson when the war broke out? A Yes, sir.
Q How far were you living from there? A No more than eight or nine miles.
Q Where is Jim Johnson now? A Lives right up above Sam Mayes' there.
Q Now? A He did then.
Q Before the war? A Yes, sir.
Q What side of grand river? A East side of Grand river.
Q Dave nor his father or mother didn't belong to Jane Starr when the war broke out? A Belonged to them Starrs, and when Mrs. Starr died he went to Jim Starr's wife.
Q You said Jim Johnson while ago? A He belonged to Jim Johnson.
Q Did he and his mother belong to Jane Starr or Jim Johnson at the breaking out of the war? A His mother belonged to Jim Johnson; Jane Starr was Jim Johnson's wife.
Q Was Jane Starr living when the war broke out? A She was.
Q She was a Mrs. Johnson then? A Yes, sir.
Q Do you know who her mother and father were? A Old Starr was the father of her; old Ben Johnson was the father of Jim.
Q What was their father and mother's name, of course it was Starr?
A I don't know; I know Jim's father was named Jim.
Q I am asking you about the Starrs? A His wife was old Mrs. Starr' daughter.
Q Do you know whether or not Jane Starr had any brothers or sisters? A She had brothers.
Q What were their names? A Zeke, Gale, Hickory, Buck.

Commission: This case will be continued until September 15, 1904.

H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this 16th day of December, 1904.

Charles A Sawyer
Notary Public.

DEC 23 1984
CONGRESS TRIBES.

CHE-746

Cherokee F D-742.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., SEPTEMBER 15, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of DAVID JOHNSON ET AL., as Cherokee freedmen.

It appears that on August 10, 1904, notice by letter was sent to the applicant and to the attorneys for the Cherokee Nation that this cause would be opend for the hearing of further testimony on September 15, 1904.

APPEARANCES:
Applicant appears in person and by attorney, F. M. Smith.
Cherokee Nation by its representative, L. B. Bell.

JERRY FOSTER, being first duly sworn, testified as follows:

BY MR. SMITH:
Q What is your name? A Jerry Foster.
Q How old are you? A 50 some odd.
Q Where do you live? A Cooweescoowee District.
Q What is your post office address? A Eaton, I. T.
Q Where were you raised? A In Flint District.
Q Were you there during the war of the late rebellion? A I stayed there until the war and come to Fort Gibson during the war.
Q You know the applicant Dave Johnson? A Yes sir before I knowed myself.
Q Did you know his mother? A Yes sir.
Q How long did you know her before the war? A I don't know how long.
Q Were you a slave during the war? A Yes sir.
Q Who did you belong to? A To the Fosters first and the last I belonged to Mr. Bell's sister, Betsy Bell.
Q Who did Dave Johnson's mother belong to? A Ben Johnson, Jim Johnson's father.
Q Who owned her at the time the war broke out? A Jim Johnson.
Q Was she married at that time or not? A Yes sir she married Guff Starr.
Q Was Guff Starr living at the breaking out of the war? A Yes sir.
Q When did you last see Dave Johnson's mother? A I haven't seen her since they left, I think she died in the Choctaw Nation.
Q When did she leave? A She left during the war.
Q Who did she go with? A Jim Johnson.
Q Where did they go to? A Choctaw Nation.
Q You never saw her any more? A No sir.
Q When did you see Jim Johnson again? A I never saw him any more, he died to.
Q During the war? A Yes sir.
Q When did you see Jim Johnson's wife again? A I never seen her any more.
Q When did you see Dave Johnson? A It was along in the spring of 1867 I think, I saw him with Bufington down her on Sallisaw.
Q Were Bufingtons related to Johnsons? A No sir to the Starrs.

Q What was Buffington's first name? A Ellis.
Q What size was Dave Johnson at the breaking out of the war? A I think two years old.
Q When you saw him again with Buffington about what size boy was he? A About that high (indicating).
Q About what age was he? A Must have been about 13, somewhere along there I think.
Q You say that was in the spring of '67? A Yes sir.
Q Do you know how long he had been back in the Cherokee Nation at that time? A No sir I don't, they claim that he had a farm there.
Q The year before? A Yes sir.
Q Who claimed that? A Ellis Buffington. I was talking to him about this boy and I asked him about his mother and he said she was dead.
Q Did he tell you where she died? A I think he said in the Choctaw Nation.
Q When after that did you see Dave again? A I never saw him until his uncle carried him up to Big Creek.
Q Where you live now? A Yes sir.
Q About how old was he then? A I couldn't tell just how old he was, he was a boy yet.
Q Where has he lived since that time? A Up there on the creek, and at Vinita.
Q How long after you saw him with Ellis Buffington before you saw him on Big Creek? A Must have been a year or so, his uncle went and got him.
Q Went from Big Creek? A Yes sir.
Q After you saw him when about two years old with his mother, you never saw his mother any more? A No sir.
Q The next time you saw him he was with Buffington and you inquired about his mother? A Yes sir.
Q How did you know that they went to the Choctaw Nation during the war? A I just know what Buffington told me.
Q Did he tell you how long they had been there? A No sir I never asked him.
Q Did you ask him when they went? A When they went there they started from home.
Q Were you there when they started? A I was there when they left, I stayed there quite awhile.
Q When you saw him with Ellia Buffington in the spring of '67, did you see his father? A No sir, they told me his father had been living down about Fort Smith. I never saw Guff any more.
Q Do you know whether or not he was dead at the time you saw Dave at Buffington's? A No sir he wasn't dead then.
Q Do you know how long after that before he died? A No sir I don't, he died afterwards.
Q You learned from Buffington that his mother died between the time she left here and went to the Choctaw Nation and the time you saw Dave Johnson at Ellis Buffington's in the spring of 1867? A Yes sir.
Q Did you know of Dave Johnson ever being out of the Territory to live? A No sir I don't, he hasn't since he has been back here.
Q Are you related to Johnson in any way? A No sir not at all, just acquainted with him.
Q Were the people that owned you related to the people that owned him? A No sir.
Q How far did they live from you? A About half a mile.
Q How long had you lived that close? A I was born there, I was there when Johnson married Mary Jane Starr.

BY MR. BELL:
Q About what size was you when the war began? A I was pretty good size.
Q 10, 12, 13, 14, or 15 years old? A Somewhere along there.
Q Where were you living when the war broke out? A Right there on the old place, the other side of Sam Hayes' old place.

BY THE COMMISSION:
Q You saw you knew both the father and mother of David Johnson?
A Yes sir, I knew them both.
Q The father was owned by whom? A By Mrs. Starr.
Q And the mother by whom? A Jim Johnson.
Q How far did you live from them at the beginning of the rebellion?
A About half a mile or more.
Q Where did you go during the rebellion? A I stayed there and then come here to Fort Gibson and stayed there until the war was over.
Q You were not out of the Cherokee Nation during the rebellion?
A No sir.
Q You think this boy was born before the war began? A Yes sir he was born about two years before the war began.
Q Was he born a slave? A Yes sir.
Q Of his mother's owner? A Yes sir.
Q Was he owned by -----? A Jim Johnson and Mary Jane.
Q And they were down in the Choctaw Nation during the war? A Yes sir.
Q And you don't know when the mother returned if she returned?
A No sir, I didn't know she died down there.
Q In the Choctaw Nation? A Yes sir.
Q You never did see her in the Cherokee Nation after the rebellion?
A No sir.
Q When did you see his father after the war? A I haven't seen his father at all.
Q Do you know whether he returned to the Cherokee Nation? A I understood he was living in Fort Smith bottoms.
Q In Arkansas? A No sir, Cherokee Nation.
Q You don't know that of your own knowledge? A No sir.
Q When was it you first saw this boy in the Cherokee Nation after the rebellion? A Along about the spring of '67.
Q And he returned with whom? A Ellis Buffington the fellows name what he was staying with.
Q Is Ellis Buffington living? A I guess he is, I don't know.
Q You have testified in this case before haven't you? A Yes sir I have, of course I couldn't tell when they come back.
Q What time in the spring of '67 do you think it was? A It was along in the spring, I don't know exactly what month.
Q As late as May? A Somewheres along there.
Q Where did you see them? A Down here on Sallisaw.

ELLIS STARR, being first duly sworn, testified as follows:

BY MR. SMITH:
Q What is your name? A Ellis Starr.
Q What is your age? A 51.
Q What is your post office address? A Sallisaw.
Q What was your father's name? A Buck Starr.
Q How long have you been living at Sallisaw? A About eight years.

Q Where did you live about the time of the breaking out of the Civil war? A In Flint District.
Q How far from Sallisaw? A About 30 miles.
Q Did you know a colored man by the name of Guff Starr? A Yes sir.
Q Did you know him before the war? A Yes sir.
Q Do you know whether or not he was married at the time of the breaking out of the war? A Yes sir.
Q Who did he marry? A Jane Johnson, a colored woman.
Q Who owned Guff Starr at the breaking out of the war? A My grand-mother, Polly Starr.
Q Who owned his wife? A Jim Johnson.
Q Did they have any children before the breaking out of the war or about that time? A One just about the beginning of the war.
Q How old was he about that time? A He was just a baby.
Q Boy or girl? A Boy.
Q Did you know his name? A His name was Dave.
Q How long did Dave Johnson live there after the breaking out of the war in that neighborhood? A I think it was about '61 when they first moved down close to Fort Smith out of Flint and still in the Cherokee Nation, and they moved on into the Choctaw Nation, and I was out there in '62 and I believe that Jane was dead but I saw Dave there. I know certain that she was dead but it seems to me that she was------
Q Did you see his father? A Yes sir he was there.
Q How long did you stay there? A At that time I stayed five or six months, and my mother came [illegible] me and in '67 I went back out there to my Aunt's, Jim Johnson's wife, and stayed there until she moved across------
Q When did she move back? A In '68 in the fall like, September or October, made a crop there and then came back.
Q Was Dave with them at the time? A Yes sir I came across the river with them.
Q How long did Dave stay with Mrs. Johnson? A I couldn't tell you for certain, I lived there and stayed with Uncle Hickory Starr, and I heard his father come and get him and taken him to Fort Smith, and I heard Guff died there, and Dave got back up to Aunt Peter's, I saw him there.
Q What time did you see him? A About '87 sometime.
Q Do you know what became of him after that? A I heard his uncle come and get him, Reuben Johnson, and carried him off up in the northern part of the Nation somewhere.
Q Did you ever see him after that? A No sir, not until now, I would know him by that eye.
Q He is the same one is he? A Yes sir.
Q You are a Cherokee are you? A Yes sir.

BY MR. KILL:
Q Where were you living during the war? A I was part of the time in Washington County, and then went to Uncle Caleb's and Aunt Mary Jane Johnson's.
Q What year was you at San Bois? A I think about '62, along in the fall of '62 that I left there and came back to Fort Smith.
Q You stayed at Fort Smith the balance of the war? A Yes sir.
Q What makes you think it was '67 that Mrs. Johnson moved back?
A The reason was that it was the next year after peace, and I went over there and I was 15 years old, and the next year I worked for Uncle Henry in '67, and I kept run on the time and the way along.

Q When Mrs. Johnson moved back did she stop at your mother's?
A No sir, my mother still lived at Fort Smith, when we crossed the river we crossed in sections, she moved right on to that old place where Charley Starr lived, that is where she brought Charlie
Q I thought you were at Fort Smith? A I went to Aunt Mary Jane's and come down there after the war. She was there then that she brought Uncle Jim Johnson, her husband there in '65 after he died, she went back out there, and it was in the spring of '66 her and Uncle Hickory's wife, Aunt Sally come down there in a wagon, and Aunt Sally taken sick and died down there, and Aunt Mary Jane taken me back down there.
Q Tell where San Bois was? A Right where it has been all of the time. San Bois is a creek down there, it is about 30 or 3 miles from Fort Smith.
Q Where did you come into the Cherokee Nation at? A We crossed right there just below the mouth of Vian Creek.
Q And that is where your Aunt brought the applicant here across to the country? A Yes sir.
Q And that was in what year? A '66.

BY THE COMMISSION:
Q This Mrs. Johnson and her husband, did they go to the State of Texas during the rebellion? A I don't know whether they went across into Texas or not, not to my knowing, they may have, they were on Red River.
Q And Mrs. Johnson and her husband came to Fort Smith in '65?
A Yes sir.
Q Did they have Dave Johnson with them at that time? A No sir they never brought Dave down there.
Q Who brought Dave Johnson into the Cherokee Nation after the rebellion? A Aunt Mary Jane Johnson.
Q Did she go back down there and get him? A She went back and lived out there xxxxxxx after her husband died, she just had him there to the doctor.
Q When did she leave Fort Smith to go back to the Choctaw Nation, or wherever it was down there? A I think it was in the fall of the year, they were not there very long, until Uncle Jim died, and then she went back.
Q Do you think it was in the fall of '65? A Yes sir.
Q And how long do you think they were down there before they returned bringing the applicant with them? A It was pretty nigh a year if it was in the fall, that is my recollection that it was in the fall.
Q Who else came with her? A One of her brothers, Zeke Starr.
Q Zeke Starr came back with her at the time Dave Johnson came?
A Yes sir, and my father, Buck Starr, was with her.
Q Did Gale Starr come in at that time? A They were moving about the same time, Uncle Gale crossed the river at the same place about the same time.
Q The applicant, Dave Johnson, to your knowledge was born a slave prior to the beginning of the rebellion? A Yes sir just about the beginning of the rebellion.
Q Do you know when Ellis Buffington returned to the Cherokee Nation? A Yes sir.

Q Did he come back in that same party? A Along about the same time. They all lived in the settlement together there in the Choctaw Nation, I think him and his mother moved over a little before the others come.

This case was here continued by agreement to November 14, 1904.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct copy of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this 13 day of December, 1904.

Charles H. Sawyer
Notary Public.

Cherokee Freedman-D-742.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I.T. November 14, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of David Johnson as a Cherokee Freedman.

On October 14, 1904, the applicant was notified by registered mail, and on October 25, 1904, the attorneys for the Cherokee Nation were notified by letter, that the application for the enrollment of David Johnson as a Cherokee Freedman, would be taken up by the Commission to the Five Civilized Tribes at its offices in Muskogee, Indian Territory, on the 14th. day of November 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration.

Now on this 14th. day of November, 1904 this case coming on to be heard pursuan to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

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H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 14th. day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H M Vance

Subscribed and sworn to before me this the 19 day of December, 1904.

Charles E. Sawyer
Notary Public.

Cherokee Freedmen-D-742.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of David Johnson et al. as Cherokee Freedmen.

D E C I S I O N.

The record in this case shows that on June 17, 1901 David Johnson appeared before the Commission, at Muskogee, Indian Territory, and made application for the enrollment, as Cherokee Freedmen, of himself and his wife, Frances Johnson. Further proceedings were had in the matter of this application at Muskogee, Indian Territory on March 3, 1902, at Vinita, Indian Territory on September 24, 1903, at Muskogee, Indian Territory, on September 15, and on November 14, 1904. The rights of the said Frances Johnson, being differently classified, she is not embraced in this decision.

The evidence herein further shows that the principal applicant, David Johnson, was born about the commencement of the war of the Rebellion, and that his mother, Jane Starr, was the slave of a Cherokee Citizen and resided in the Cherokee Nation at the beginning of said war; that the applicant, with his mother, was taken out of the Cherokee Nation during said war, and returned thereto within the time specified in the Decree of the Court of Claims, rendered on February 2, 1903 in the case of Moses Whitmire, Trustee, etc. vs. Cherokee Nation et al., for the return of Cherokee Freedmen to said Nation, and the applicant has since resided therein.

It is, therefore, the opinion of this Commission that David Johnson should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section 21 of the act of Congress approved June 2, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Member.

Muskogee, Indian Territory,

JUN 16 1905

C. R. Breckinridge
Commissioner.

Cherokee Freedmen
D-742.

Muskogee, Indian Territory, September 11, 1903.

David Johnson,

Vinita, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and wife as Cherokee Freedmen, you are hereby advised that further testimony is required tending to show whether or not you returned to and were residing in the Cherokee Nation on July 19, 1866, or within six months thereafter, and also as to the date of Cale Starr's return to the Cherokee Nation after the war.

You are further advised that the Commission will be at Vinita, Indian Territory, on Thursday, September 24, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen

D-742.

Muskogee, Indian Territory, July 5, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear sir:

In the matter of the application of David Johnson, for the enrollment of himself and others, as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced tending to show whether his mother was the slave of a Cherokee citizen before the war and returned to the Cherokee Nation after the war within the time provided in the treaty of 1866.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at 9 o'clock A. M., on Wednesday, July 27 1904, and introduce testimony as above indicated.

The Cherokee Nation will be permitted to appear on said date and introduce such testimony as it may desire in rebuttal of that offered by applicant.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-742.

Muskogee, Indian Territory, July 5, 1904.

David Johnson,

Vinita, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and others as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced tending to show whether your mother was the slave of a Cherokee citizen before the war and returned to the Nation after the war within the time provided in the treaty of 1866.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at 9 o'lock A. M., on Wednesday, July 27, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Register.

7/28/04

appt this day

appears & says

he has not en-

played this

man for his

attorney

NDY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

C 7D 742

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

July 27-02

Received of the Commission to the Five Civilized Tribes 1 Copy of the testimony of June 17-1901, Sept. 24, 1903, Mch 3. 1902 in Cherokee Freedmen D 742, David Johnson.

Gaspar Bailey
atty

COPY.

Cherokee Freedmen,
D-742.

Muskogee, Indian Territory, October 14, 1904.

David Johnson,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself as a Cherokee freedman, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday, November 14, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Register.

COPY

Cherokee Freedmen,
D-742.

Muskogee, Indian Territory, October 14, 1904.

F. M. Smith,

Attorney for David Johnson,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of David Johnson as a Cherokee freedman, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday, November 14, 1904.

Said David Johnson has this day been notified that he will be permitted to appear on said date and introduce such testimony as he may desire in support of said application.

Respectfully,

Commissioner in Charge.

Register.

COPY.

Cherokee Freedmen

D-742.

Muskogee, Indian Territory, June 16, 1908.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, granting the application for the enrollment of David Johnson as a Cherokee freedman.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest with the time allowed this decision will be considered final.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Incl. S-137

Cherokee Freedman
D-742.

Muskogee, Indian Territory, July 7, 1905.

David Johnson,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, granting the application for the enrollment of yourself as a Cherokee freedman.

You are advised that you will not be permitted to make allotment selection until your name has been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Commissioner.

Incl. K-2.

Cher Fr 1465
Trans. from Cher Fr D 75

Cher Fr 1465

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the a plication for the enrollment of
James Taylor as a Cherokee Freedman.

Cherokee Freedman -D-75.

"- J. T.

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 16 1901

The name of James Taylor is not found upon any of the rolls of the Cherokee Nation now in the possession of this Commission; he never has been a slave, and always resided in the Cherokee Nation. Be reason of the doubtful character of the testimony as to his identification, final judgment as to his enrollment will be suspended and his name will be placed upon a doubtful card.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 16th day of April, 1901.

Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes,
Ft. Gibson, I. T., April 15, 1901.

In the matter of the application of James Taylor for enrollment as a Cherokee Freedman; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A James Taylor.
Q How old are you? A 51.
Q What is your postoffice address? A Braggs Station.
Q What district do you live in? A Illinois.
Q You applied to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever applied to any other nation or tribe to be enrolled? A No sir.
Q Is your name on the roll of 1880? A I don't know, sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Whom do you want to enroll besides yourself? A Nobody else.
Q Were you a slave? A Yes sir.
Q What was your owner's name? A Sam Taylor.
Q He living? A No sir.
Q Where were you at the beginning of the war between the United States and the Confederacy? A I was a soldier and was discharged on the Grand River.
Q You been living in the Cherokee Nation ever since? A Yes sir.
Q Never lived out of it? A No sir.
Q You don't know whether your name is on the roll of 1880 or not? A No sir.
Q Did you ever go by any other name? A No sir.
Q Never have? A No sir.
Q Why aint your name on the roll of 1880, do you know? A I don't know. I drawed money here twice. I don't know the reason.

The 1880 authenticated roll, the 1896 census roll and the Kerns-Clifton Roll examined and the name of the applicant is not found of record thereon.

Q Did you draw strip money? A No sir.
Q Why? A They didn't put me on some way or other; I don't know the reason.
Q You say your owner's name was Sam Taylor? A Yes sir.
Q Do you recollect your father? A No sir.
Q Do you recollect your mother them? A No sir.
Q Where were you at the beginning of the war between the United States and the Confederacy? A I was down here at home.
Q In the Cherokee Nation? A Yes sir.
Q Did you say you enlisted as a soldier? A Yes sir.
Q When did you come back here now, before the war, you weren't here all the time during the war? A Yes sir.
Q Didn't they take you out? A We were just home guard.
Q You were here all the time during the war? A Yes sir.
Q Never lived out of it? A I stayed out and worked, and then backward; I never lived out of the nation.
Q Are you married? A I am married now.
Q Is your wife a citizen? A No sir, she's Creek.
Q Did you ever live in the Creek Nation? A Yes, some; not much.
Q Did you ever apply to be enrolled in the Creek Nation? A No sir.

William Brewer, being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A William Brewer.
Q What is your age? A 54.
Q What is your postoffice address? A Fort Gibson.
Q You a Cherokee citizen, are you? A Yes sir.
Q You know this man, James Taylor, the applicant here? A I know him, yes sir.
Q You know where he was during the war between the United States

and the Confederacy? A No sir, I don't know.
Q You know where he was after the war? A No sir, he come to my house about '70 or '71, somewhere along there, that is the first time I saw him after the war.
Q Was he a slave? A He was.
Q You know whom he belonged to? A He belonged to my father a while and they sold him to Sam Taylor.
Q Did Sam Taylor live in the Cherokee Nation? A Yes sir.
Q The first time you saw him after the war was in '70? A '71 or '72.

Examination by W. W. Hastings-
Q Did he say where he had been? A In Arkansas.

W. W. Hastings of applicant-
Q Did you have a wife over there in Arkansas? A I didn't have a lawful wife.
Q You had a woman that you were living with? A I didn't have just one.
Q Had you been living in Arkansas with her? A A while I did.

Commissioner of Applicant-
Q I thought you said you never lived out of the nation? A I didn't.
Q Arkansas is out of the nation? A Didn't live out of the nation anytime.
Q Just around over there? A Yes.
Q You never had a home in Arkansas? A No sir, the only home I had is where I am living now.
Q Where do you live now? A Close to where I was raised, about ten or twleve miles from here.

Daniel Roach, being sworn and examined by Commissioner T.B. Needles, testified as follows:
Q What is your name? A Daniel Roach.
Q How old are you? A About 74 or 5.
Q What is your postoffice? A Braggs.
Q You know James Taylor? A Yes sir.
Q Did you know him before the war? A Yes sir.
Q Did you know him during the war? A Yes sir.
Q You knew him all during the war? A Yes sir.
Q Did he ever go out of the nation during the war? A He went out and come back about the time I did.
Q When was that? A Just about the time peace was made.
Q You know how long he lived here then? A That's where I lost sight of him; I saw him a short time after peace and I lost sight of him a year or two, and I never saw him until he come back again.
Q About that time was it? A He was gone two or three years.
Q You know where he went? A I do not.
Q Was he a married man? A Not that I know of.

Examination by W. W. Hastings of witness.
Q About what year after peace did you see him here? A Directly after peace was made. I may have seen him directly after peace was made. I seen him here around among the people as usual. About three or four months after that I lost sight of him.
Q About what year was peace, do you think - you think it was the same year that peace was made? A That I lost sight of him, yes sir.
Q You didn't see him until when? A Two or three years after that he came back to my neighborhood on Illinois.
Q You know whom he was living with when you first saw him? A I do not; when I first saw him here after peace was made, he was just passing backward and forward in the neighborhood.
Q You don't know where his home was? A No sir, do not.

Commissioner of applicant-
Q James, were you ever married? A I am married now.
Q How long has that been since you married? A About 18 years.
Q You been living here for the last 18 years? A Yes sir.
Q Is that the first time you were married? A No sir.
Q How many times have you been married? A I don't know.
Q Did you ever marry in Arkansas? A No sir.
Q Never did? A No sir.
Q Have you got any children? A Yes sir.
Q Do you want to apply to have them enrolled? A No sir.
Q Just applying for yourself? A Yes sir.
Q Where did you marry your present wife? A In the Creek Nation.
Q Been living in the Creek Nation with her? A No sir, living here in the Cherokee Nation.
Q You say positively that you never lived outside of the Indian Territory since the war, since you were turned free? A No sir.
Q Never have? A No sir, been right here and in the Creek Nation a bit.

By W. W. Hastings-
Q What do you say about staying down in Arkansas a while? A I don't say nothing about it.
Q Did you? A I staid down there a while.
Q About how many years? A None.
Q Never a year? A No sir.
Q Didn't you have a son come up here from there? A He wasn't in the states was he?
Q I want to know? A I was living in the Cherokee Nation; I was living on this side of the river then.
Q Near what place? A In Sequoyah, I believe they call it.
Q Any of these people, John Melton or Bean, or any of these people know you? A I don't know.
Q Any of the colored people, did they know you? A I expect they might have.
Q Name one of them? A I don't know ~~any~~ of any.
Q No Cherokees? A No sir; I didn't have no home down there. I would go off and stay somewhere, then back and stay, and then come back to the Cherokee Nation, and then in the Creek Nation; I never staid down there long at a time. I was just mostly passing backward and forward from here down there and back; I never staid down there any length of time; no sir.

Commissioner-
Q Just running around like a wild colored fellow would do? A Yes sir, that was the way I was doing. I never had no home until I got this woman.
Q Never had a home until you married this woman? A No sir, not until after I left my old boss.

Frank Smith, being sworn and examined by Commissioner T.B. Needles, testified as follows:
Q What is your name? A Frank Smith.
Q What is your age? A 56.
Q What is your postoffice? A McLain.
Q You a Cherokee citizen by blood? A Yes sir.
Q Do you know James Taylor? A Yes sir.
Q How long have you known him? A I have known him ever since before the war.
Q Where was he at the close of the war do you know? A No sir, I don't.
Q When were you first acquainted with him after the war? A I never seen him until about '76 or '7.
Q You don't know whether he went out of the nation or not? A No sir, I don't.

J. T.

The name of James Taylor is not found upon any of the rolls of the Cherokee Nation now in the possession of this Commission; he avers he was a slave, and always resided in the Cherokee Nation. By reason of the doubtful character of the testimony as to his identification, final judgment as to his enrollment will be suspended and his name will be placed upon a doubtful card.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. J. Rothenberger

Subscribed and sworn to before me this 18th day of April, 1901.

Tams Bixby

Commissioner.

F175

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 15 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 15 1901

Post Office Braggo

District Ill

1. Name James Taylor Age 51.

Owner's name Sam Taylor Citizenship Cherokee

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owners name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by Jno (1) Stenographer Rothenberger E. G.

No. F. D. 75

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the
day of A. D. 1901.

Given under my hand this
day A. D. 1901.

Marshal for Cherokee Nation

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the
day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to Jena Taylor wife of James Taylor, a member of his family over the age of fifteen years, applicant herein, at his place of abode on the 6 day of Sept. A.D. 1901

Ellard Howe

Subscribed and sworn to before me this 6 day of Sept. A D. 1901.

J C Starr
Notary Public

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 7 1901

Acting Chairman

NOTICE!

IN THE MATTER OF The application of James Taylor, for enrollment as a Cherokee Freedman:

Case No. F. D. 75

To James Taylor, Braggs I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson Indian Territory, on the following dates, to-wit: September 7th 1901 at 9o'clock A M A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 5th day of Sept/, 1901.

L. B. Bell

Attorneys for the Cherokee Nation.

7D75.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 7 1901

ACTING CHAIRMAN.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee I.T. Sept 7 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of James Taylor for enrollment as Freedmen of the Cherokee Nation.

J. H. Harrell
Atty for Applicant

No. 7 N 75

COMMISSIONER

Given under my hand and seal of office this 27th day of September, 1901.

ACTING CHAIRMAN

Commissioner.

Commissioner.

Commissioner.

C.F. D-75.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 7, 1901.

In the matter of the application of James Taylor for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:
J. F. Faulds, attorney for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

McCOY SMITH, being duly sworn, and examined before the Commission, testified as follows:

Mr. Hastings: What is your name? A McCoy Smith.
Q What is your age? A 54.
Q What is your postoffice? A Braggs.
Q Mr. Smith, you are a Cherokee by blood? A Yes, sir.
Q A recognized citizen? A Yes, sir.
Q Do you know a James Taylor, a colored man whose postoffice is Braggs? A Yes, sir.
Q And who gives his age about 51? A Yes, sir, he is about 71, 60 or 70, somewhere along there.
Q You think he is older than that? A Yes, sir, he was a man grown when I was a little boy.
Q There is no other James Taylor, a colored man, around Braggs?
A No, sir.
Q How long have you known James Taylor?, A About 45 years.
Q You know him before the war? A Yes, sir.
Q Who owned him before the war? A Sam Taylor.
Q How far did you live from him at that time? A About 8 miles.
Q Did you go out of here during the war? A Yes, sir.
Q Now where did you locate when you came back here after the war?
A I came back out here about two miles from Gibson, southeast.
Q Now when did you first see James Taylor, the applicant, here after the war? A In '74.
Q State the circumstances of your seeing him? A Well, I was at his old master's, Sam Taylor, on Dirdeen, near Webbers Falls, working for him down there, when he come along, in '74 there, over from Fort Smith, and the old man asked him where he had been all this time, and he said he had been down in Arkansas, had married down there, and he struck these witnesses down there at Fort Smith, in the Creek Nation, and knew some of them, and concluded he would come up here and see the people again.

Mr. Faulds: That was in what year was that? A '74; and the old man mentioned about him, about staying out and losing his right, and he said he knew that, and he asked him how come that, and he said he was mustered out of the service on the Grand River and employed by the Government to drive a team for some white troops going down to Arkansas, and he was discharged down there, they were disbanded down there, and he married down there and stayed; that was what he told the old man down there.

Mr. Faulds: I object to what the applicant told the witness in regard to his losing his right, as that would only be a statement of the law in the case, and would be incompetent.

The Commission: The objection will be noted.

Mr. Hastings: Got anything more to state? Yes, sir; ran on in that line, and he said he would go up there and be gone about a month or so and said he would go back to his place, and he went up here and stayed about six months, and went back, and his wife had taken another man, and he came back and worked for Judge Taylor a year; in the year 1875, he worked there at old man Taylor's.

Q When you say him there at Sam Taylor's in 1874 did he say anything then when you were talking about his rights, about him ever having been here before that, after the war? A No, sir, he didn't, he hadn't been here, he said, since he went off driving a team.

Q That was before he was mustered out, and he was mustered out in Arkansas? A No, he was mustered out here on Grand River, said he was mustered out of the service on Grand River, and then he hired and drove a team over there with this white regiment that went off down that way, and he was discharged down there, they were mustered out down there somewhere about Little Rock, or Ozark, somewhere down about that country, and he was discharged there as a teamster; then he married down there somewhere.

Mr. Faulds: You say that he said he was mustered out on Grand river? A Yes, sir.

Q Didn't say what date he was mustered out on Grand river? A No, sir, he didn't; he said he belonged to - -

Q He told you he was on duty here with the army time of the war?

A He told the old man, says, I belonged to the Second Indian Home Guards, and was mustered out on Grand river, and then he hired to them and drove a team down to that country; there was some soldiers sent off down to Arkansas, maybe going to Little Rock, he didn't say where they went to, and he was discharged down there as a teamster; they were mustered out of the service and had no more use for him.

Q He said he was mustered out on Grand river; that would be in the Cherokee Nation? A As a teamster; he was mustered out as a soldier, but he was discharged down there as a teamster.

Q He was mustered out of the army here on Grand river according to his own statement? A Yes sir, that was his statement.

Q Do you know whether he was here in the Cherokee Nation during the war? A Yes, sir.

Q When the war broke out? A Yes, sir, he was here. And I will tell you a circumstances; when we saw him coming, he was laughing and talking, and Judge Taylor says I believe that is old Jim, and I believe if I had him down in the bush I would kill him; he stole the best mare I had when he run off.

Q Did he say when he run off? A No, sir, he didn't say what time; I suppose about 62.

Q Do you know Dan Roach? A Yes, sir, I know him.

Q Know when Dan came back? A No, sir, he was here when I got back.

Q When did you come back? A In '66, in October; I came back in '65, no July, '66, and Dan Roach was living about a couple of miles there I think.

Q How far was that from where he was living? A Where I live here, it is about 18 miles I reckon, hardly so far.

Q Now Dan says that he went out and came back about the time he did; you don't know anything to the contrary of that? A No, I don't know.

Q As a matter of fact, you don't know whether or not he was in the Cherokee Nation in '66? A I didn't see him when I was here.

Q You didn't see him but you can't swear he wasn't here in '66, after the ratification of the treaty? A No, sir, I have only got his own statement about that.

Q Well now these statements were made away back in '74? A '74, yes.

Q Do you pretend to give the exact words that he used? A Oh no, not all of them because he talked an hour or more.

Q You would have to have a pretty good memory if you could remember everything a man said at that length of time? A Yes, but I remember well the conversation, what I did hear of it.

Q You are a Cherokee Indian by blood, are you? A Yes, sir.

Q Full blood? A I reckon not; no, only half.

Q You say he is about 70; how do you make that out? A About 65 or 70; I am judging by my own age: I am 54 or a little over, and about 45 years I have known him, maybe a little longer than that, and Jim was a grown man when I first recollect him.

Q When did you first get acquainted with him? A At Judge Taylor's down there.

Q In the Cherokee Nation? A Yes, sir: he is 65 or 70 years old, he isn't a day less than 65.

Q All you know about it is some loose statements he made to you away back in '74? A He wasn't telling it to me, but I was standing by listening.

Q That is all you know about it, just some general talk you heard? A A conversation between him and his old master.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript from his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 7th of September, 1901.

Commissioner.

M D Green
MD

-R-
C.F. D-75.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 18, 1901.

In the matter of the application of James Taylor for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of applicant.

Appearances:
J. F. Faulds, attorney for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: Mr. Faulds, what do you desire to prove by the witness?

Mr. Faulds: I desire to prove by these witnesses that Jim Taylor was here in '66 and has been here ever since.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the introduction of any testimony by the applicant as to the ownership, return, or residence of the applicant, James Taylor, for the reason that these points were all gone into on the original application of James Taylor, and the records show that the Cherokee Nation introduced testimony on part of the Cherokee Nation, and that the applicant, under the rules, can only be allowed to introduce testimony in rebuttal of new matter brought out by the Cherokee Nation, and that the points desired to be inquired of are not new, but were gone into in the original testimony.

Commission: The objection will be noted, and the witnesses permitted to testify.

POMPEY THOMPSON, appearing before the Commission, and being duly sworn and examined, testified as follows:

Mr. Faulds: What is your name? A Pompey Thompson.

Q How old are you? A 63 years old.

Q Where do you live? A Braggs.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, always have been.

Q On the 1880 roll? A Yes, sir.

Q Do you know Jim Taylor, the applicant? A Yes, sir.

Q How long have you known him? A Ever since we were children, little boys, playmates together from little boys.

Q Do you know whether he was here during the war? A Yes, sir.

Q Between the north and south? Where was he? A Living down on the bend, Greenleaf Bend it was called at that time.

Q What was he doing? A He was belonging to Sam Taylor.

Q That was before the war? A Yes, before the war, at that time when we were living there, I was belonging to Alex Thompson and he was belonging to Sam Taylor, we lived I reckon about a mile and a half apart up to the river.

Q Do you know what he was doing at the time of the war? A Yes, sir.

Q What washe doing? A Soldiering.

Q Where was he stationed? A Right here at Fort Gibson, belonged to the Second Indian Regiment.

Q Where was he in 1866? A Here at Fort Gibson? A Yes, sir.

Q Has he been here ever since? A No, sir.

Q In the Cherokee Nation? A No, sir.

Q Where has he been? A Well after the 'mancipation he went down in Arkansas, down below Fort Smith, went to Fort Smith first and then went on farther down.

Q How long was he gone? A Well, he was gone s considerable time but then he at the same time he was coming backwards and forward, coming here backwards and forwards.

Q He has made this his home ever since? A Yes, sir, claimed this

to be his home.

Mr. Hastings: The Nation objects to this, because it is a conclusion to be drawn from the testimony.

Commission: The objection will be noted.

Mr. Faulds: Why that is no conclusion.

Mr. Hastings: Let him tell where he lived and the Commission will say whether it is his home or not.

Q You say he was here in '66? A Yes, sir.

Mr. Hastings: How old are you? A I am 63 years old.

Q What year were you born? A I can't tell you nothing about that, of course you can tell more about that than me, of course I have no education, I just go by what the old folks always told me.

Q What year did the war close? A '65 I have heard the statement.

Q Now where was Jim Taylor, the applicant, then? A Well Jim Taylor was here at that time.

Q Now how long did he stay right here after the war closed?

A Well he stayed here a considerable while after the war closed.

Q A week? A After he was mustered out of the service?

Q When was he mustered out of the service? A He was mustered out right what time after the war was closed, of course I can't tell the date.

Q Were you mustered out with him? A Me: I never was no soldier,

Q Where were you? A Right here at Fort Gibson up during the war.

Q You think he was mustered out directly after the war closed?

A Yes, sir, when they were beat, yes, sir.

Q What did he do then? A He just stayed around here and farmed.

Q Who with? A I can't tell, working around, with Jonas Brown, on the bend here.

Q Well, how long did he work down there? A I can't tell you.

Q Was Jonas Brown living down there at the time? A Yes, sir.

Q Was he married, Jonas Brown? A Jonas Brown was married, yes, sir.

Q He had been married before the war? A No, he married in time of the war, married a citizen of the Creek Nation.

Q Do you know whether or not Jim Taylor made a crop down there or not? A No, sir.

Q You don't know that? A No, sir, he just worked around, here and there, just around.

Q Did he stay down there as much as a month? A More than a month.

Q As much as two months? A Yes, sir, more.

Q About how long? A I can't tell because I was up at Fort Gibson, he was down on the bend and I lived at Fort Gibson.

Q You didn't see him down there? A Yes, sir, I saw him down there and he would pass backwards and forth up here and back down there.

Q I want to know about how long he was doing that passing backwards and forward, as much as three months? A I can't tell that; yes, sir, more than that.

Q Well, about how long? A I can't tell, I guess some considerable time as all I can tell.

Q You think as much as six months? A Yes, sir, more than that too.

Q Give us some sort of estimate? A I guess that Jim Taylor stayed around here after he was mustered out of the service for as much as 12 months or more before he ever moved away.

Q Well he was mustered out in the spring of '65? A Yes, sir, you have a good idea when he was mustered out, I expect you have a better idea than I do.

Q You think then he left here in the spring of '66? A After he was mustered out I have a pretty good idea how long he stayed around here before heleft here.

Q That is what I am asking you? A Yes, sir, that is what I know.

Q You think that he left here in the spring of '66, the next year?

A Well, in the spring of '66 he was here, he was here until after that; when the treaty of '66 was made Jim Taylor was right here, if that is what you are trying to get at, that is what I can tell you.

Q When was that made? A In '66.
Q What time? A I can'e tell you, he was here after the treaty was madep the delegates had returned back here before he left here.
Q Who told you that? A I know it, I saw them, Houston Benge was with them, he can tell you, I knew all the delegates, I believe they are all dead but Houston Benge.
Q Why did you have occasion, now, to apply the making of the treaty to, this man's case particularly? A No I am not making it particularly to this man's case, I am telling you what I know.
Q Do you know every colored man in this country who was here in this country when that treaty was made? A No, sir, I don't know it them but I know a whole ~~lot~~ heap of them.
Q You don't know whether the treaty was made in January or December?
A No, sir, I don't know the date and time, but Jim Taylor was here after the treaty was made.
Q Why do you associate his being here with the time they came back?
A Because he was here, I saw him.
Q Why do you know it was after they came back? A I guess I have knowledge to know that, because he was here after they returned back, yes, sir, he was here, and he didn't leave here till considerable time after they returned back.
Q As much as two years? A No. sir, it wasn't that much.
Q Well, how long? A Well, I can't tell you.
Q Who was he living with that time? A He was just here living around and around, of course down around Greenleaf and back to Fort Gibson, just passing back, of course he was just here himself and he was nothing but a single man and he was just going around working, making his living.
Q Who for? A Working for himself.
Q Who was he working for? A Just worked for whoever paid him to, just like they do now, you see the mass of our people right now, the single ones are not doing any good, they are just working around.
Q Well he went to Arkansas? A I admit that, I told you that.
Q Well he married down there didn't he? A I don't know whether he married or not.
Q Didn't you ever hear him say that? A No, sir, never heard him say he married.
Q You never hea rd him say he had a wife down there? A I heard him say he had a wife in Arkansas.
Q How many children did he have down there? A I can't tell you that, I saw one of his children: I am here to tell the truth.
Q Where did he come from, Arkansas? A Yes, sir.
Q How long did he live with that wife in Arkansas? A I can't tell you.
Q Can't tell me? A No, sir, he was passing backwards and forward from here down there and that is all I can tell you about it.
Q Did you appear for this fellow before the Kern-Clifton Commission, as a witness for him? A I don't know as I did.
Q Didn't you come up before the Court at Tahlequah when he tried to get readmitted and tell what you have been telling here? A Yes sir, I did, before Mr. Wallace.
Q I mean before the Bob Daniels Court in '71? A No, sir.
Q You didn't tell it? A No, sir, I don't know as I did, I don't know, I don't recollect.
Q How long did this man live down in Arkansas? A I can't tell you..
Q As much as twenty years? A No, sir, didn't live there that long.
Q About how long? A I can't tell you.
Q Got any idea about it? A Because he went down there and quit his woman and came back up here.
Q Have you got any idea of how long it was, between dates? A Well he might have stayed there for the best of my knowledge, might have

stayed there ten or twelve years, to the best of my knowledge.

Q Lived with his wife down there? A Yes, sir, but then at the same time he was passing back and forward.

Q You see lots of people passing through on the train every day don't you? A Indeed, yes, sir.

Mr. Faulds: You don't know how long he stayed in Arkansas?

A No, sir.

Q Have no idea? A No, sir.

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Commission here adjourned for dinner. Taking of testimony continued after dinner by Stenographer J. O. Rosson.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 21st of September, 1901.

~~Notary Public.~~
Commissioner

Supl. C.F.-D.#75.

Continuation of Supplemental Testimony in the matter of the enrollment of James Taylor as a Cherokee Freedman:

September 18th, 1901.

Former portion taken by Stenographer Bruce C. Jones.

POLLY NIVENS, being duly sworn, testified as follows on part of the Applicant: BY THE COMMISSION:
Q What is your name? A Polly Nivens.
Q How old are you? A 56 years old, going on 57.
Q What is your post office address? A Fort Gibson.
MR. FAULDS: Do you know the applicant, Jim Taylor? A Yes, sir.
Q How long have you known him? A I knowed him all his life, knowed his master.
Q Who was his master? A Old man Sam Taylor.
Q Did you know him before the war? A Yes, sir.
Q Was he here when the war broke out? A Yes, sir.
Q What was his occupation before the war? A During the war?
Q Yes? A He was a soldier then; he was with the soldiers.
Q Here in the Cherokee Nation? A Yes, sir, here to Gibson, he was mustered out here.
Q Mustered out here at Fort Gibson? A Yes, sir.
Q Do you know when that was? A I don't know exactly what time ir was; it was just when peace was made, when they mustered all the soldiers out.
Q Well, do you know whether he was here in 1866 when thetreaty was ratified? A He was here a while.
Q Here a while? A Yes, sir.
Q After the treaty was ratified A Yes, sir, he was here until the cholera broke out here in Gibson and then was all ordered out of Gibson; we all left Gibson and I never saw him any more for a year afterwars I saw him here in Gibson I saw him about three or four years afterwards.
Q Did you see him here in Gibson after the cholera? A Yes, sir.
Q Here in Gibson A Yes, sir.
Q How long would that be afer the war? A You all can count it up, I can't.
Q Well, have you seen him off and on since that time you speak of, in the Cherokee Nation? A I saw him here afrer we was all ordered out of Gibson back here in Gibson again, and I never saw him any more for three or four years, and I never saw him any more for two or three years and I asked him where are you living negro and he said in the Creek Nation.
MR. HASTINGS: You were a slave yourself before the war?
A Yes, sir.
Q You remember when the refugees was all coming back? A Yes, sir, I was cooking right here, I didn't think I was a slave, I wasn't in the kitchen.
Q You were cooking when the refugees come back? A Yes, sir.
Q What year were you born? A I could not tell you exactly what year; you can count it up yourself, I am 56 years old and I am going on 57 years old.
Q You have been before this Commission around pretty nearly ever since the Commission started? A No, sir, not everywhere.
Q You were at Chelsea? A Yes, sir.
Q You went to Nowata? A Yes, sir, I went up there to help Aunt Ann on.
Q You have testified for a great many people? A Yes, sir; well of course I helped a good many I knowed that was here in Gibson after peace was made.
Q Who were you living with when the war closed? A With mother.
Q Where w as your mother living? A Right down here close to Conong Vann's.

Q Outside of town? A Yes, sir, you might call it outside of town, right back of the lake.
Q What was Jim Taylor's wife's name when you knew him?
A He didn't have any.
Q Never had a wife? A No, sir, if he had a wife I didn't see her.
Q Was his mother living here then? A I didn't know his mother; I just knowed he belonged to Sam Taylor.
Q Wasn't he living here with his mother? A He was just rambling here, seen him here in town and first one place and another.
Q Who was he working for? A When I saw him he wasn't working for anybody.
Q Good many colored people here? A Yes, sir; here by the thousands.
Q You think there must have been as many as one hundred thousand here? A Not as many as one hundred thousand.
Q Twenty thousand? A No, sir, wasn't that many.
Q As many as ten thousand? A No, sir, there was over a thousand.
Q You remember distinctly seeing Jim Taylor? A Yes, sir.
Q Now at what time and what place did you ever see him, where and some circumstance? A Oh, I just see him here in Gibson, standing around the stores, I never saw him working for anybody.
Q There is not anything that calls to your mind specially, any particular circumstance, that recalls him to your mind?
A No, sir.
Q Just come back with the refugees? A I saw him and he said I am, I was mustered out here yesterday and I say you free negro now and he said yes.
Q How long was it after that until he left, six months?
A No, sir, after the cholera broke out.
Q How long was that after you first saw him? A About a year.
Q He was mustered out in the spring? A Yes, sir.
Q And you think he satayed here until the next spring?
A Yes, sir, it was coming warm weather.
Q And that is the last time you saw him? A I never saw him any more until a year.
Q You don't know where he went to? A No, sir.
Q You don't know where he married A No, sir.
Q You don't know when he married? A No, sir.
MR. FAUDDS: Are you on the 1880 roll yourself? A Yes, sir.
Q You are a recognized citizen? A Yes, sir, I says I am I reckon I am Cherokee by blood and Cherokee freedman.
MR. HASTINGS: Didn't you ever know Jim Taylor had a wife?
A Yes, sir, I don't know where he married at; she is a Creek darkey; he told me she was a Creek.
Q About how many years was that after the war he told you she was a Creek? A About five or six years.
Q That is your best judgment? A Yes, sir.
Q That was about five or six years after the refugees come back?
A Yes, sir, after he was mustered out.
Q Well, you saw him around here every once in a while between the time he was mustered out and he married this creek woman?
A Yes, sir.
Q Well, you could hear of him living around in that neighborhood all the time? A Yes, sir. I could hear of him but I never saw him.
Q Just saw him every once in a while? A Yes, sir.
Q Did you ever see any of his children? A Yes, sir.
Q What were their names? A I don't know their names.
Q How long ago did you see them? A This last august I sees them.
Q But he married a Creek? A Yes, sir, he married a Creek; he said she was a Creek.

Q That was about five years after the war? A I reckon it is as near as I can make average.
Q Where was he living then; where did he live after he married that Creek? A I don't know.
Q Haven't you seen him since then? A Yes, sir but I never asked him where was; I never asked him, I saw him at Braggs but never asked him where he lived; he told me he married a Creek darkey.
Q Now, for thirty long years you don't know where this man has lived? A Oh, for the whole time he has been living at Braggs.
Q I thought you said a while ago you didn't know where he has been living? A Oh, that was away back after peace was made.
Q How long has he been living at Braggs? A I don't know I never kept any record.
Q About 40 years? A About 25 as near as I recollect seeing him at Braggs.
Q He was living with that Creek woman then? A Yes, sir.
Q He had some children? A Yes, sir.
Q What was the name of the oldest one of the children? A I don't know.
Q About how old did it look to be? A I could not tell you, it was about that high (indicating.)
Q About three or four years old? A Yes, sir.
Q And that was about 25 years ago? A Yes, sir.
Q Did you ever hear of him being married up in Kansas? A No, sir, I never heard of him being married up in Kansas.
Q Never heard of him being married in Arkansas and having some children down there by a woman? A No, sir.
Q You never knew of him living with a woman down there about ten or twelve years and being separated from her? A No, sir.
Q You never missed him from here over three or four years?
A No, sir; I missted him three of four years, he could go down there and marry and stayed three or four years and come back.

MR. FAULDS: You say you saw him here in 1866 after the treaty was ratified? A Yes, sir.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to that kind of a question because the attorney well knows that that question is leading.

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JAMES TAYLOR, the applicant, recalled:

Mr. Hastings: Comes now the representatives of the Cherokee Nation and objecto to the introduction of this witness for the reason that he has been examined in chief and witnesses introduced both for and against him and only testimony canx be introduced now in rebuttal of new matter brought out by the Cherokee Nation, and that the Cherokee Nation objects until it is first shown that the matter about which this witness is called to testify is new matter brought out by the Cherokee Nation.

Mr. Faulds: I will state generally that he is called for the purpose of denying what the Cherokee Nation has put in in rebuttal; that they have put in new matter and we propose to rebut it by this witness.

MR. FAULDS: Your name is James Taylor? A Yes, sir.
Q Do you know McCoy Smith?
Mr. Hastings: Jury Smith? A Yes, sir.
MR. FAULDS: You didn't hear him testify in this case did you?
A No, sir.
Q I will first ask you if you ever went over in Arkansas and married a woman over there? A Never was married but once in my life.

Q Where were you married? A Over here across the river.
Q Across what river? A Across Grand river here.
Q In the Creek Nation? A In the Cherokee Nation.
Q When were you married? A Well, it has been about 18 or 19 years
Q Did you ever have a conversation with an old man , or with anybody, in which you stated something about loosing your right?
A Not that I can ever recollect of, I don't suppose I ever spoke such a word as that.
Q That you were mustered out of the service on Grand river and employed by the Government to drive a team for some white troops going down to Arkansas? A No, sir, I never drove anyxtim team for anybody but the Government right here.
Q Did you ever saw that you-? A Not that I can recollect I don't recollect anything like that talk.
Q Well, is what this man Smith says true or untrue with regard to what you said? A I don't recollect anything like that at all.
Q Where were you in the year 1866? A I was here.
Q In the Cherokee Nation? A Yes, sir; how long was that after peace?
Q Peace was in 1865 and 1866 was the next year? A I was here; I was making a crop right down yonder in the bottom.
Q And where were you in the fall of '66? A I was over in the Creek Nation; after I got the crop made there I went over in the Creek Nation.
MR. HASTINGS: Been living there ever since? A No, sir, I ain't there now.
MR. BAULDS: How long did you stay there in the Creek Nation?
A Stayed there about a year; I wasn't there steady all the time, I was first there and then in the Cherokee Nation.
Q You say after you got that crop made in '66 you went over in the Creek Nation? A Yes, sir, and backwards and forwards here, I didn't have any home anywhere then.
Q Weren't married? A No, sir; just anywheres I got any home to stay I was there and when I didn't have any home I was walking to get one.
Q You didn't go down in Arkansas and marry a woman? A No, sir.
Q Did you ever teal anybody? A No, sir, I never told anybody because I never was married but once.
MR. HASTINGS: What year is this now A I don't know.
Q What year were you born? A I don't know that either.
Q What year did you draw strip money? A I don't know because I never drawed any.
Q What year was the Wallace court made? A Why, Captain, I don't know.
Q What year was it we were investigating this matter before the Kern-Clifton Commission? A I don't know.
Q You don't know a year in the world? A Yes, sir, when somebody tells me.
Q You don't know the difference between 1856 and 1886? A No, sir
Q And you don't know the difference between 1866 and 1876?
A No, sir.
Q Then you don't know anything about years away back yonder?
A No, sir.
Q The years back here is the same as then? A No, sir.
Q You don't know a year do you? A No, sir.
Q You don't remember having a conversation away back yonder with me? A No, sir.
Q Didn't you tell me anything about that; did you apply to the Kern-Clifton Commission five years ago? A I guess so.
Q Did you apply then? A Yes, sir.
Q Wasn't I there then A I don't know anything about you.
Q You can't recollect anything? A I know I never saw you.
Q You don't recollect who was there? A I recollect a lot of whit men.

Q Were you here last Spring? A Yes, sir.
Q Do you remember seeing me here then? A They told me it was you.
Q Well, you did have a woman down there in Arkansas? A Yes, but how long did I stay?
Q You lived with her? A Why, yes.
Q You lived with her as your wife? A No, sir.
Q Didn't you occupy the same room? A Well, while at a time.
Q You come up here and went back somebody had taken her away?
A They took her from one place and was another.
Q When you went back there she was with another man? A I went back there and she was on another place.
Q She was with another man? A I found her by herself.
Q When you came back you found your old Master, Sam Taylor?
A Yes, sir.
Q When you came back you talked to him about it? A I never talked to him in my life.
Q You never talked to him or nothing? A Oh, yes.
Q I meant after you got back from Arkansas? A I talked to him a few days.
Q Didn't you talk to him about where you had been? A No, sir.
Q Did you see Juny Smith down there? A I don't know.
Q Did you ever see him in your life? A Yes, sir.
Q That is him right over there? A I expect it is.
Q You won't positively deny making that statement?
A I ought to know him I nursed him.
Q You ought to know him pretty well? A Yes, sir.
Q Do you remember any conversation you had with anybody yesterday?
A No, sir.
Q You can't remember anything? A No, sir.
MR. FAUELDS: You say you can't remember anything about the years? A I know when the years comes in when somebody tellsme.
Q You remember being mustered out of the service? A Yes, sir, in the spring of the year.
Q Was the war all over then? A Yes, sir, as well as I can recollect I was mustered out down there on the river.
Q Well, now, the year after that; that is one year you know what the year is? A Yes, sir.
Q You made a crop you say? A Right down here in this bottom.
Q And you took that crop off? A Yes, sir.
Q And sold it? A No, sir, I was making the crop for Daniel Vann.
Q And you took it off? A No, sir.
Q Did Daniel Vall? A I guess so.
Q Well, you know that much don't you? A Yes.
Q You recollect that? A Yes, sir.
Q And that was the year? A After peace was declared.
Q After you were mustered out? (No response.)

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J. O. Hosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. Hosson

Subscribed and sworn to before me this September 20th, 1901.

Commissioner.

Cherokee F.D-75

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tahlequah, Indian Territory, July 20, 1903.

IN THE MATTER OF THE APPLICATION OF James Taylor for enrollment as a Cherokee Freedman.

Upon an examination of the Wallace roll of Cherokee Freedmen in the possession of this Commission, the applicant, James Taylor, is identified thereon, page 143, No. 2989, Illinois District.

It is ordered that a copy of this statement be made a part of the record in the application of James Taylor for enrollment as a Cherokee Freedman, Cherokee F.D-75

C. R. Breadinoe.

CLERK IN CHARGE
CHEROKEE LAND OFFICE.

MH

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. Dec. 10, 1903.

In the matter of the application for the enrollment of Dennis Taylor as a Creek Freedman.

APPEARANCE: A.P. Murphy, Att'y for Creek Nation.

Tina Taylor being sworn testified as follows:

Examination by the Commission:

Q What is your name? A Tina Taylor.
Q How old are you? A The woman was here when I filed said I was 29 years old.

The witness is listed for enrollment on Creek Freedman card #1208 approved roll No. 4288; from the card she appears to have been 49 years old in September, 1898.

Q Who is it you want to have enrolled now? A Just Dennis.
Q Dennis Taylor? A Yes sir.
Q Is Dennis your child? A Yes sir.
Q What is the name of his father? A Jim Taylor.
Q Is Jim Taylor a citizen of the Cherokee Nation? A Yes sir.
Q Have you or Jim either ever tried to have this child enrolled as as a Cherokee? A No sir, none of mine has ever been enrolled as Cherokees; all is enrolled over here.
Q Is Dennis living? A He's dead.
Q When was he born? A Over Christmas; I can't say what year.
Q How long has it been since he was born? A As near as I can guess its been about four years.
Q How old was he when he died? A A year old.
Q Just a year? A A year and 6 months.
Q Do you know the year that he died? A No sir, I can't tell you the year.
Q How long has he been dead? A As near as I can guess he has been dead- it will be four years this coming Christmas.
Q How long do you say it is since he was born? A He has been born- well, he was a year old when he died; its been about four years as near as I can come at it; it will be 4 years this coming Christmas.
Q Did you come and file on your land yourself? A Yes sir.
Q Was Dennis living then or dead? A No sir he wasn't livin; when I come and filed; he was living when I come and registred.
Q He was dead was he, when you came and filed on your land? A Yes sir.
Q How long had he been dead? A For about 3 months if not a little longer.

Records of the Commission show that a citizenship certificate was issued to Tina Taylor May 2, 1900.

Examination by Mr. Murphy:

Q Do you remember when you was enrolled; that is, when you came and registered? A No sir, I can't remember.
Q Well, you remember coming? A Yes sir, I come.

Q That was along in the Fall, wasn't it? A Yes sir I think it was.
Q Well, was Dennis living then? A Yes sir when I come and registerd he was living; I brought him with me.
Q How old was he then? A He was a year old.
Q Why didn't you register him? A Well, he was registered but I didn't file for him; he died before we filed.

By the Commission:

The records of the Commission show that Tina Taylor was listed for enrollment on September, 1898.

By Mr. Murphy:

Q You say he was about a year old when he died? A Yes sir.
Q He was born one Christmas and died the next? A He died in August.
Q When you come and registered or was enrolled, he was a year old, then, was he? A Yes sir.
Q How long after you registered before he died? A I can't exactly tell.
Q Well, about how long? A As near as I can come at it I guess about six months.
Q You don't know what year he was born in? A No sir, I can't tell that I never give my childrens' birth no attention.
Q Do you remember wh n Porter was first elected Chief of the Creek Nation? A No sir.
Q You remember of them having an election? A Yes sir.
Q Well, was he living when they had that election or not? A Yes sir, he was living.
Q How long after that till he died? A I can't exactly tell.
Q About how long? A I don't know.
Q What is your best recollection about it? A Its a year I guess; I don't know.
Q After Porter's first election? A Yes sir.
Q At the time you come and registered was this child less than a year old or more than a year? A He was a year old, when I come and registered; well he just could sort of stand alone a little- I told the doorman that was there -- it was so hot the time I come they just called me and registered me as quick as they could and he was toddling around-- by holding on to things.
Q That was Dennis [redacted] Yates sir.
Q Did you ever make any affidavits in this case? A I---
Q Do you know a Notary Public named Ned McClain? A Yes sir.
Q Didn't you go before him and make some affidavits? A Yes sir.
Q Did they read those affidavits over to you? A No sir.
Q Did you tell him what to put in them? A I told him as well as I could; he lives right near Braggs Station where I do.
Q Then you don 't know what was put in there? A No sir. They--
Q They wasn't read over to you? A No sir.
Q Tell me why it was when you came here and enrolled, why you didn't register him then? A I did register him.
Q Where did you register him? A Where the Creek office was when we all registered; we all registered together.
Q Well, how long after you registered was it until he died? A I guess about 6 months, maybe a little longer.
Q Well, could he walk much when he died? A He could walk by holding on to things.
Q Could he talk? A He could gabble a little; when he wanted bread

ar water; he couldn't talk plain.
Q Do you remember the circumstance of the land office opening here in Muskogee so that they could come and file on their land? A Yes sir
Q How long after that land office opened before he died? A He died before the land office opened- before we filed.
Q Before anybody filed? A Yes sir.
Q You are sure of that? A Yes sir, he died before the land office opened.
Q About how long before, do you remember? A As near as I can guess it was about three months or maybe longer.
Q Didn't he die in the Fall and the land office was opened in the next Spring? A It was in the next Spring or August or something I can't tell.

Excused and Jim Taylor called and sworn testified as follows:

Examination by the Commission:

Q What is your name? A Jim Taylor.
Q How old are you? A Well, I claim to be 69 years old.
Q What is your post office address? A Braggs Station.
Q Are you the husband of Tina Taylor? A Yes sir.
Q Are you the father of Dennis Taylor? A Yes sir.
Q When was Dennis born? A Sometime in August.
Q You don't know the year? A No sir.
Q How long has it been since he was born? A Somewhere near four years.
Q How long has it been since he died? A Well, he died about- as near as I can come at it- along in August 22; it will be four years.
Q How old was he when he died? A He was going on four years, and he has been dead somewhere over a year now and that would make him 4 years old this coming August.
Q How old did you say he was when he died? A I guess going on four years; something about that; and this coming August he would be four years old.
Q How old was he when he died? A He was about three years and about two months as near as I can come at it; now, Captain, I can't get no closer than that.
Q Your wife says he was just a little over a year old when he died. A Well, now, he was seven months old-- wait now-- let me see-- he was three months old going on four when they taken the census up here to the court house- or whatever you call it.
Q Do you remember hearing about the opening of the Creek Land Office so that people could file on their land? A Yes sir.
Q Was that child living then or dead? A He was living-- stop!--let me see-- give me time to study it; I think he was dead; cause she just got his name filed up here- she come over and had his name put down on the roll; he was dead before she come here to take his census he was dead.
Q Do you know Sarah Walls? A Yes sir.
Q Do you know a child of hers named Nellie? A Her child was named Nellie that died.
Q Did that child die about the same time as yours? A Yes sir, I think a little while before mine.
Q Was that child buried the same time as yours was? A Yes sir.

--

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above

case on December 10, 1903, and that the above and foregoing is a full true and correct transcript of his stenographic notes in same.

Henry B. Haines.

Subscribed and sworn to before me this 11th day of December, 1903.

Charles H. Sawyer

Notary Public.

foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 18th day of July, 1904.

Notary Public.

COMMISSION TO FIVE TRIBES.
1904

Cherokee Freedmen D 75.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JUNE 28, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JAMES TAYLOR as a Cherokee Freedman.

It appears that on June 10, 1904, the applicant and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 16, 1904, and introduce further testimony in this case touching the points mentioned in said letter. Upon motion of the attorney for the Cherokee Nation this case was continued until June 18, 1904, when the following testimony was introduced:

APPEARANCES:
Applicant present in person.
Cherokee Nation by its attorney, James S. Davenport:

JAMES TAYLOR, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A James Taylor.
Q How old are you? A I guess about 62 or '3 years old, as well as I can get at it.
Q What is your postoffice address? A Braggs Station.
Q You claim to be a Cherokee freedman, do you? A Yes, sir.
Q Were you the slave of a Cherokee citizen before the war? A Yes, sir.
Q Who did you belong to? A Sam Taylor, a judge all his life.
Q Was he a recognized Cherokee by blood? A Yes, sir.
Q Citizen of the Cherokee Nation? A Yes, sir.
Q Where did he live before the war? A Right there at Braggs Station. He died in Canadian.
Q In what district? Canadian District? A Yes, sir.
Q When did he die? A About five or six years ago.
Q Five or six years ago? A As well as I can get at it, yes, sir.
Q Do you know where he was living when the 1880 roll was made?
A No, sir.
Q Did Sam Taylor have a wife when you belonged to him? A Yes, sir.
Q What was her name? A Martha Fields.
Q Is she living? A No, sir.
Q When did she die? A Been dead a long time.
Q Did she die before the war? A No, sir, after the war, about the time of the war she went south, and I went north.
Q Did she have any children? A No, sir.
Q Did he have any other slaves besides yourself? A Yes, sir.
Q What were the names of some of them? A One named Malinda; she lives on the bayou, Bob Smith's wife.
Q What were the names of some of the others? A One named Sarah; she livesat Gibson.
Q What is her name now? A Sarah John, I believe, Sarah Taylor, I reckon, the man that owned her. She married a man by the name of John Thompson.
Q Have you got any brothers or sisters? A No, sir, got some half brothers and sisters.

Q Did they have the same owner as you? A No, sir, they were no slaves at all.
Q Was your mother also a slave of Sam Taylor? A No, sir, just there by myself.
Q How old were you when the war came up? A The old boss said I was 28 years old.
Q Where were you born? A Over there in the Cherokee Nation.
Q Were you born a slave of a Cherokee citizen? A Yes, sir, been a slave all my life.
Q Was your mother a slave? A Yes, sir, but she didn't belong to the same man I did; she belonged to a man by the name of Brewer.
Q Was your father a slave? A Yes, sir, he was a Creek slave.
Q Do you know whether your owner, Sam Taylor, had any other initials did he have a middle name? A No, sir.

By Mr. Davenport:
Q Jim, where did you go during the war with reference to your former owners' place? A Went up to Mayesville and enlisted as a ~~soldi~~ soldier.
Q How long did you remain in the service? A About four years till I was discharged at Fort Gibson.
Q Were you mustered out at Fort Gibson? A Yes, sir.
Q What year? A I don't remember.
Q Then where did you go? A First one place and then another; didn't have any home until I married.
Q After you were mustered out you drove a team for some soldiers down in Arkansas, didn't you? A No, sir.
Q Were you in Arkansas at all at the close of the war? A No, sir, after I was discharged I stayed right there at Fort Gibson and made a crop there two years and then just worked first one place and then another; sometimes in the state and then in the Nation.
Q How long after the close of the war until you went back to Sam Taylor's place? A I was there often.
Q I will ask you if the first time you ever returned to Sam Taylor's place, wasn't in the year 1874 and if you didn't, when you returned, tell him you had driven a team for some soldiers down in Arkansas and there married or took up with a woman down there and lived down there? A I had a woman all the time; I never got, I kint been single ever since I was 15 or 16 years old.
Q Did you come back to your master and have that conversation with him in the presence of McCoy Smith in 1874? A I did have a woman.
Q Was McCoy Smith there when you come back? A I couldn't tell.
Q How far did McCoy Smith live from Sam Taylor's when you returned? A He lived a good ways from there.
Q About how far? A I expect 10 or 12 miles, about, as well as I can get at it.
Q You knew McCoy and Frank Smith during the war? A Yes, sir.
Q You knew them when you saw them after the war when you come back? A I couldn't tell what year, but by being acquainted with them I saw them.
Q What point in Arkansas did you go to about the time the war closed? A To Fort Smith the first time
Q And then where from Fort Smith? A Down to Ozark and then come back.
Q Who did you work for or with at Ozark? A With Davis a while, a week or such a matter.
Q Do you remember his first name? A Jess.
Q Jess Davis at Ozark? A Yes, sir.
Q Who did you work for at ~~Ozark~~ Fort Smith? A Was picking cotton for a black man by the name of Raley and Lewis Moore, but was just picking cotton.

Q How long did you work for Jess Davis at Ozark, Arkansas? A Week or two; sometimes work a day or two and then go off again.
Q Did you live at any other place in Arkansas but these two places? A No, sir, I didn't.
Q How long did you stay in Arkansas, Jim, when you went down there? A Off and on for maybe a month sometimes; then I would go across the river back into the Cherokee Nation again, and then come up here a while; never had no certain home.
Q Where did this woman you had down there live, at Fort Smith or Ozark? A Fort Smith.
Q In the City of Fort Smith? A No, sir, northeast of Fort Smith down on the river. Right back in this way, you might call it, on the river.
Q How long did you live with her down there? A About five or six months, off and on. When I would come up here and maybe be here a year and then go back and stay a while again.
Q When you would come up here would you come in the neighborhood of your former owner? A Yes, sir, and knock around here a year before I would come away; didn't have no certain place to go.
Q With whom would you stay when you come back up here? A No certain person; I stayed sometimes with Bill Brewer and then with Coody Riley some; and then with old man Sam.
Q What year was the first time you ever came to Bill Brewers house after the war closed? A I couldn't tell you.
Q I will ask you, if Bill Brewer Brewer, in response to the following question gives the following answer, if it is correct: Q Did you know where he was after the war? A No, sir, he come to my house about 1870 or '71 somewhere along there; that is the first time I saw him after the war." Is that correct? A No, sir, it wasn't, because I was down in here, well it may have been the first time he seed me.
Q You stated just now that you stayed there the most of the time? A I have to study a while; I made a mistake.
Q You know to whose place you came back on these trips don't you? A Yes, sir.
Q You had known Bill Brewer before the war? A Me and him was raised together; I come to Coody Riley's and stayed there longer than I did anywhere.
Q As a matter of fact, Jim, you went to Arkansas about the time you were mustered out in 1865 and stayed there until 1870 or 871, didn't you? A No, sir, I was backwards and forwards.
Q Whose place would you come to when you come back? A Me, I would come here and stay a week or longer and then was gone again.
Q When you come back wouldn't you come to somebody's place that you had known during the war? A Yes, sir.
Q Can't you remember some other man's name other than Riley and Bill Brewer's when you made these trips? A I come to Brewer's and Riley's and the old man's and around in there.
Q Would Mrs. Brewer know when you returned? A I don't suppose she paid any attention to it.
Q She knew you before the war? A Yes, sir, she used to teach school right there.
Q Do you saw now that you come to Perry Brewer's between the years 1865 and 1870 and stayed any length of time? A No, I didn't stay any length of time.
Q Stayed a day? A I guess so.
Q How far did Perry Brewer live at the close of the war from where Sam Taylor lived? A It was about 10 or 12 miles, maybe, he lived on this side of the river, right above the falls and we lived right on the other side, where Braggs Station is now, about 10 or 12 miles, I reckon.

Q Did you come back to Cull Riley's? A Yes, sir, Cull Riley's.
Q How long did you stay at Cull Riley's? A I stayed there about a month, I made about two thousand rails down there.
Q Is Cull Riley's place the first place you come to from Arkansas after the close of the war? A No, sir.
Q Whose place did you come to first? A I couldn't tell you exactly whose place I first come to; I was first one place and then another; I stopped at the Falls some and then would hammer around.
Q When you stopped at the Falls with whom did you stop? A I couldn't exactly tell you; I stopped sometimes with, I forget who I did stay with; I didn't stay any length of time, I would come and then go and knock around; didn't have no certain place to go to, and by that I couldn't tell you where I did stay.
Q Whose place did you go to before you went to Cull Riley's when you returned after the close of the war? A I come to the old man's.
Q Taylor's? A Yes, sir.
Q How long after you went to old man Taylor's place was it before you went to Cull Riley's? A I just come to the old man's and then went on to Cull's place in a day or two.
Q The first time you went to Cull Riley's place you had only been back a few days? A I come right throughthe Cherokee Nation and come to the Creek Nation.
Q How long before you went to Cull's had you returned? A I couldn't tell you.
Q Six months? A I expect it was something near that time.
Q Was it more than six months? A No, sir, it wasn't longer than that.

By the Commission:
Q Where did you go at the beginning of the war? A I went from Braggs Station up to the Army at Mayesville and enlisted.
Q Mayesville, Arkansas? A Yes, sir.
Q When were you mustered out of the Army after the war? A I don't know, sir.
Q Have any idea? A No, sir.
Q How long after the close of the war until you were mustered out? A I was a soldier all during the war until all the soldiers were mustered out.
Q Where were you mustered out? A At Fort Gibson.
Q Where did you go after being mustered out at Fort Gibson? A First over here in the Cherokee Nation and around first one place and then another, wherever I could get a job of work to do.
Q Where did you always consider your home to be? A In the Cherokee Nation; I always considered that my home and then when I married I married a Creek woman and went right there about 18 years ago and am there yet.
Q Did you ever own a home in Arkansas or outside of the Cherokee Nation? A No, sir, never did own a house, except the one I am living in now.

JOSHUA ROSS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Joshua Ross.
Q How old are you? A 71.
Q What is your postoffice address? A Muskogee, I. T.
Q You are a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant's in this case, James Taylor? A Yes, sir.
Q How long have you known him? A I have known him ever since October, 1863.
Q Where was he when you first got acquainted with him? A Fort Gibson.
Q Cherokee Nation? A Yes, sir.

Q Was he living there? A Yes, he was a soldier there.
Q He was a soldier and stationed at Fort Gibson? A Yes, sir.
Q How long did you continue to know him there? A I knew him until he was mustered out May 31, 1865.
Q Then do you know what became of him? A No, in 1871 I moved to Muskogee and I think I saw him about that time, and a little afterwards saw him at Bridges.
Q In the Cherokee Nation? A Yes, sir.
Q He was mustered out at Fort Gibson? A Yes, sir.
Q And you don't know anything about his whereabouts from the time he was mustered out until sometime in 1871? A No, sir.
Q You don't know where he was living? A No, sir.
Q Was he the slave of a Cherokee citizen before the war? A Yes, sir.
Q Whom did he belong to? A Sam Taylor.
Q Sam Taylor was a recognized citizen by blood of the Cherokee Nation? A Yes, sir.
Q What was his full name? A Just Sam Taylor, I think.
Q When did he die? A He died, I don't remember the date, but---died in 1890, I reckon.
Q About how many years ago do you think it has been, since the 1880 roll was made? A Yes, since the 1880 roll was made.
Q Where was he living when the 1880 roll was made? A In the Candaian District.
Q Do you know whether he had any family at that time? A He had a family when he died.
Q What was his wife's name? A Julietta.
Q Did she have any middle name? A Her maiden name was Julietta Vann and then she married a man by the name of Bell and he died and she married Ty lor.
Q Did she have any given name besides Julietta? A Not as I know of.
Q Did Taylor and his wife have any children about 1880 A No, sir.

The 1880 authenticated roll examined and the name of S. M. Taylor, native Cherokee, age 62, male, appears in Canadian District, opposite No. 1410 and the name of J. L. Taylor, native Cherokee, age 55, female, appears on said roll in the same district, opposkite No. 1411.

Q Since 1871, do you know where this applicant has lived? A I have frequently seen him here and working and working around the Bridge place here at the mouth of the Grand river.
Q You don't know anything about his having stayed a while in Arkansas? A No, sir.

(No cross-examination).

(Continued until one o'clock P. M.)

Commission: This case being called at one o'clock P. M., and neither the applicant nor the Cherokee Nation offering any further testimony, this case is declared closed.

o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and

foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 18th day of July, 1904.

Charles R. Sawyer
Notary Public.

Cherokee Freedmen D-75.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James Taylor as a Cherokee Freedman.

--:--

D E C I S I O N.

The record herein shows that on April 15, 1901, James Taylor appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of himself as a Cherokee freedman. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, September 17 and 18, 1901, and at Muskogee, Indian Territory, June 28, 1904.

The evidence herein shows that the applicant, James Taylor, was the slave of a Cherokee citizen at the commencement of the rebellion; that he resided in the Cherokee Nation during said war and for several years thereafter, and that he has since the year 1887, continuously resided within the domain of the Five Civilized Tribes, excepting a short time spent in Arkansas, but it does not appear that his residence therein affected his rights as a citizen of the Cherokee Nation.

It is, therefore the opinion of this Commission that James Taylor should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Commissioner.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,
this JUN 16 1905

$2075

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. James Taylor,
Braggs, I.T.
Cherokee F-T-75
Register.

Cher. F.-D-76.

Muskogee, Indian Territory, June 10, 1904.

James Taylor,

Braggs, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision, in this case, it will be necessary that further testimony be introduced tending to show that Sam Taylor, your alleged former owner, was a recognized citizen of the Cherokee Nation at the commencement of the War of the Rebellion.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, June 28, 1904, and introduce testimony as above indicated.

Respectfully,

Chairman.

Cher. F.-D-75.

Muskogee, Indian Territory, June 10, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:-

In the matter of the application of James Taylor, for enrollment as a Cherokee Freedman, you are advised that before the Commission can render a final decision, in this case, it will be necessary that further testimony be introduced in this case tending to show that Sam Taylor, the alleged former owner of the applicant, was a recognized citizen of the Cherokee Nation at the commencement of the War of the Rebellion.

The applicant has, therefore, this day, been directed to appear before the Commission, at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, June 28, 1904, and introduce testimony as above indicated.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Chairman.

CORRECTION

THIS DOCUMENT HAS BEEN REPHOTOGRAPHED TO ASSURE LEGIBILITY

Cher. F.-D-75.

Muskogee, Indian Territory, June 10, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:-

In the matter of the application of James Taylor, for enrollment as a Cherokee Freedman, you are advised that before the Commission can render a final decision, in this case, it will be necessary that further testimony be introduced in this case tending to show that Sam Taylor, the alleged former owner of the applicant, was a recognized citizen of the Cherokee Nation at the commencement of the War of the Rebellion.

The applicant has, therefore, this day, been directed to appear before the Commission, at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, June 28, 1904, and introduce testimony as above indicated.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen
D-75.
Creek En. 402.

Muskogee, Indian Territory, January 19, 1905.

Commission to the Five Civilized Tribes,

Creek Enrollment Division.

Gentlemen:

Receipt is hereby acknowledged of your letter of January 14, asking to be advised whether or not application has been made for the enrollment of Jim Taylor or Dennis Taylor, as citizens of the Cherokee Nation, and, if so, the present status of the case.

In reply you are advised that an examination of the records of the Cherokee Enrollment Division fails to disclose that application has been made for the enrollment of the said Dennis Taylor as a citizen of the Cherokee Nation. There has, however, been listed for enrollment on Cherokee Freedmen Doubtful card, Field No. 75, one James Taylor, aged about fifty-four years, of Braggs, Indian Territory, the testimony in whose case discloses that the wife of the applicant is "a Creek."

You are further advised that the Commission has not yet rendered a decision in this case.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Creek Enr. 408.

Muskogee, Indian Territory, January 14, 1905.

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

December 10, 1903, Tina Taylor made application for the enrollment of her minor child, Dennis Taylor, deceased, as a Creek Freedman.

It appears from the testimony then offered, a copy of which is herewith inclosed, that Jim Taylor, the father of the said child, is a citizen of the Cherokee Nation.

You are requested to advise the Creek Enrollment Division whether application has ever been made for the enrollment of Jim Taylor or Dennis Taylor as a citizen of the Cherokee Nation, and, if so, the present status of the case.

Respectfully,

Chairman.

D.C.S. 1-1/14.

COPY.

Cherokee Freedmen

D-75.

Muskogee, Indian Territory, June 16, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, granting the application for the enrollment of James Taylor as a Cherokee freedman.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Incl. S-51.

Cherokee Freedman
D-75.

Muskogee, Indian Territory, July 7, 1905.

James Taylor,

Braggs, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, granting the application for the enrollment of yourself as a Cherokee freedman.

You are advised that you will not be permitted to make allotment selection until your name has been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Commissioner.

Incl. K-1.

D. C. 56935-1905.
I.T.D.11897-1905.
LRS

Y. P.
LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

December 21, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a letter from James Taylor, apparently the party in whose favor a decision was rendered by the Department July 3, 1905, in Cherokee citizenship case.

It is requested that you take proper steps to protect the party in any rights he may have to the land he claims, and upon which he asserts your office has allowed someone else to file. Advise him whether the partial roll containing his name has been approved by the Department, and of the steps necessary to protect his rights.

Respectfully,

(Signed) Thos Ryan
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inclosure.

Muskogee, Indian Territory, January 15, 1906.

Chief Clerk,

Cherokee Land Office,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of Departmental letter of December 21, 1905, inclosing a letter from James Taylor, Braggs, Indian Territory, and requesting that proper steps be taken in order to protect the rights of James Taylor to the land upon which he asserts some one has been allowed to file. His name is included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior November 15, 1905.

Respectfully,

Commissioner.

Incl. GL-21.
GHL

Cherokee Freedmen 1-75.

[illegible] testimony [illegible] this case is very unsatisfactory, but I am inclined to think that the decision [illegible] the applicant is correct. It seems very improbable that the established residence in the Cherokee Nation prior to his removal to the State of Arkansas, and the [illegible] of [illegible] has [illegible] that actual physical residence was not necessary on July 19, 1902, nor six months prior thereto, [illegible], where a [illegible] hereto [illegible] in the Cherokee Nation has not been abandoned [illegible].

If this applicant [illegible] established residence [illegible] Cherokee Nation at any time [illegible] in citation [illegible] to the [illegible] 11, 1902, he could [illegible] exp[illegible], [illegible] he is not [illegible] [illegible].

[illegible] 1904.

Cher Fr 1466

Cher Fr 1466

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9,1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Aaron Webber.
Q How old are you? A 36 I think.
Q What is your post office address? A Wymer, Cherokee Nation.
Q What district do you live in? A Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes,sir, the Clifton Court and the Wallace Court.
Q The you apply to any other Nation, the Creeks? A No,sir.
Q Never drew any money from any other Nation? A No,sir, I didn't.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes,sir.
Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I ~~xxxx~~ come with my brother Sam Webber.
Q Is your name on the roll of 1880? A No,sir.
Q Did you ever drew your strip payment money? A Yes,sir.
Q How much did you draw? A $15.50, and then I drew this other payment, this last payment, I drew it.
Q You drew the last payment? A Yes,sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No.315, Cooweescoowee district.

Q Were you a slave before the war? A Yes,sir.
Q Who did you belong to? A Tabie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q Where did you go during the war? A Went to Kansas.
Q When did you come back from Kansas? A Came back in 1866.
Q You been living here ever since? A Yes,sir.
Q Are you married? A No,sir.
Q Ever been married? A No,sir.
Q Got no children then? A No,sir, I haven't.
Q You are certain you came back in 1866? A Yes,sir, I did.
Q Who did you come back with? A Sam Webber and my father.
Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
Q Did you ever try to have it put on? A Yes,sir.
Q They refused to do it? A Yes,sir, must have, for it aint there.
Mr. [illegible] Hastings; attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes,sir, I did.
Q Did you come the first time he came out here? A Yes,sir, I did.
Q What time of the year was it? A '66.
Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.
Commissioner: Was it in the fall or summer? A It was along in [illegible] I came back in 1866.
Q [illegible]: Was it the March after the treaty was made? A Yes,sir
Q [illegible] certain of that? A Yes,sir, I am.
Q You came back with him at that time? A Yes,sir.
Q Did he bring his family along then? A Yes,sir.
Q His wife and children? A Yes,sir.
Q He had already been out there and put up a house? A Yes,sir, I had come out before that and I come with him, and we put up a house and I came back with him in '66.

Q ~~The first time you came~~ back was in March after the treaty was made? A Yes, sir, that is when we moved there.
Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.
Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.
Q What kind of buildings did you put up? A We put up a log cabin.
Q Out on Big Creek? A Yes, sir.
Q How far from where Sam Webber lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek
Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.
Q Name some old citizen who lives at the place now where you located then? A Sam Webber.
Q Does Sam Webber live at that place now? A He did live there but he don't live there now.
Q Who lives at the place Sam and you came to? A The Meigs and Whitmires and Sanders, and a whole lot of them.
Q You have lived there ever since? A Yes, sir.
Q You came out in wagons the first time? A Yes, sir, because Sam Webber drove the ox wagon and I drove the horse wagon.
Q Do you know anything about dates? A I know when they say the year is out, and this year is in.
Q What year is this? A If I am not mistaken I think this is May.
Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.
Q You are satisfied in '66 you came here in March? A Yes, sir.
Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the march after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No, sir, I don't.
Q Have you got any witnesses? A Yes, sir, Sam Webber, and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Sam Webber.
Q What is your age? A About 58, somewheres nearabout that.
Q What is your post office address? A Nowata.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Your name on the 1880 roll? A Yes, sir.
Q Do you know Aaron Webber? A Yes, sir.
Q Is he any relation to you? A He is my brother.
Q Was he a slave? A Yes, sir.
Q To whom did he belong? A Takie Webber.
Q Was she a Cherokee citizen? A Yes, sir.
Q By blood? A Yes, sir.
Q Where was he during the war? A He was with us in Kansas.
Q When did he come back? A He came with us when we came back in July.
Q You came in July from Kansas and he came with you? A Yes, sir.
Q What year was that in? A In 1866.
Q He was a slave the same as you? A Yes, sir, same as me, with the same owners.
Q Ought to be entitled to the same rights you have got? A Yes, sir, have just the same right, belonged to the same parties too.
Mr. Hastings: Q What time of the year was it you got your brother back? A We came in July and built houses and [illegible] and moved down.
Q You had heard of the treaty pass[illegible] A [illegible] the same month the treaty was made in because [illegible] delegates

at Fort Scott.
Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.
Q And you came on down and he came with you? A Yes,sir.
Q Did you bring your families at that time? A I didn't have any family then.
Q The rest of the people, they come along? A Yes,sir, I was small myself. I was with father, we came and built and went and moved some of them after that.
Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.
Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day
Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Nowata, said to be about twenty miles north of Fort Scott.
Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes,sir.
Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.
Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.
Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.
Commissioner: When Aaron says he came in March he is mistaken? A He is mistaken, he don't know dates; he is notbright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Abraham Hare.
Q How old are you? A About 70.
Q What is your post office? A Wymer.
Q Are you a Cherokee Freedman? A Yes,sir, claim to be.
Q Your name is not on the roll of 1880, is it? A No,sir.
Q Were you a slave? A Yes,sir.
Q What was your owner's name? A Arlie Hare.
Q Do you know Aaron Webber? A Yes,sir.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Well, did you know Aaron Webber before the war? A Yes,sir.
Q Did he go out of the Cherokee Nation during the war? A Yes, sir.
Q Did you go out? A Yes,sir.
Q What made you colored people go out during the war? A We couldn't stay here.
Q Thought it was safer to go out? A Yes,sir, I had to go out.
Q Why couldn't you stay here? A They wouldn't let us.
Q Who wouldn't let you? A The Rebels and the Yankees neither one.
Q Where was Aaron Webber during the war? A He was with his father up in Kansas.
Q When did he come back? A He come back in the fall of '66.
Q How do you know? A I come with him.
Q And you came at that time? A Yes,sir.
Q Have you known Aaron Webber since that time? A Yes,sir.
Q Has he always lived in the Cherokee Nation? A Yes,sir, lives right by me now.
Mr. Hastings: Your rights are disputed? A Yes,sir, same as his.
Q You were in here this morning; your case was presented?
A Yes,sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

C. R. Breckinridge,

Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C. F. D. 350.

Appearances:
W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants:

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation.
(By the Commission)
Q Give me your full name? A Douglas Walker.
Q How old are you? A 50.
Q What is your post office? A Mound City, Kansas.

(By Hastings)
Q How long have you lived in Mound City, Kansas? A Since May 1857.
Q What was your father's name? A James Walker.
Q What was your mother's name? A Miama Walker.
Q Was your father and mother here the first of the month? A Yes sir
Q They testified in this matter at that time did they? A Yes sir.
Q Do you know Samuel Webber? A Yes sir.
Q Did you know his son Samuel Webber? A Yes sir.
Q Where did you know them? A Near Mound City, Kansas; in the neighborhood where I live.
Q Do you know the applicant here? Joe Ross? A I knew him as Joe Webber.
Q Is the the same fellow? (pointing). A Yes sir.
Q Where was he living at the time? A He lived with the older Sam Webber at the time.
Q You know this applicant here is the same party? A Yes sir.
Q Did you know a woman named Chlora? A Yes sir.
Q What relation was she to Joe Ross? A Sister.
Q Did you know Aaron Webber a little duck legged fellow? A Yes sir
Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.
Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.
Q I mean in the year 1866? A My father bought the farm.
Q Of whom did he purchase the farm? A Of Flemmings.
Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
Q Did he marry before or after he moved from that country? A Before he moved.
Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
Q The date of the deed? A Yes sir.
Q What was that date? A The date of the deed is October '66.
(By Mr. Smith) Object to that if you have not the deed.
(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
Q At that time, where was Sam Webber living? A On this farm that father purchased.
Q Where was young Sam living at the time he married? A On this farm on the same place.
Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.
Q Did they all move down at the same time? A All started together.
Q Left there together? A Yes sir.
(By Mr. Smith)
Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
Q How did you know it? A I recognized his countenance as one man knows another.
Q How? A Well I saw him.
Q When? A Today.
Q Where? A On the street.
Q And you knew him as Joe Webber? A Ys sir, the name Joe Ross was not used much.
Q When did you first become acquainted wirh old man Sam Webber? A In '63 he moved on that farm.
Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.
Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.
Q How do you know it was '63 that you because acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.
Q Did any come after '63? A Yes sir some came later and some come earlier, and I remember again by this farm, I remember how long they farmed it before we got it.
Q How long? A Three years--four years in the spring of '67.
Q They farmed it four years before your father got it? A They farmed from '63 to '67.
Q You say the reason you knew that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.
Q You say it was in September of 1867 that your father bought that farm? A In '56.
Q You are positive about that? A Yes sir we got possession the first of March '67.
Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.
Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.
Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serve me, it was in '66, late in the summer, or early in the fall of '66.
Q What was in the fall of '66? A That they came down here--started away from there.
Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.
Q What is your recollection as to how long they staid? A They came back I think in November or late in October.
Q Well which came back first? A Why I think the older Sam Webber came first.
Q How long do you think it was before you saw Sam Webber Jr. again?
Q Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.
Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.
Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I dont know but as Joe did too, I dont remember much about that.
Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.
Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.
Q You have stated that it was a long time ago, do you think that you remember the dated absolutely? A Not to the day or month exactly, but that is my best recollection.
Q Are you testifying to the best of your recollection? A Yes sir.
Q Do you remember of Sam Webber Jr. bringing any hides to that country?
A Yes sir.
Q When was that? A In the fall or beginning of the winter of '66 and '7 he brought some hides and furs.
Q To refresh your memory, was it not in March? A March when?
Q '66? A No sir.
Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a hunting trip.
Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.
Q Do you remember of Sam Webber selling out a crop up here? A I dont.
Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.
Q What dates have you looked up? A The purchasing of this land.
Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid $80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
Q You didn't know then did you? A Yes sir after I thought it over.
Q How long did it take you to think it over? A I dont exactly remember.
Q Can't you give us some idea of it? A 2 or 3 weeks.
Q Were you here when your father testified in this case? A Yes sir
Q Did you know as much about it then as you do now? A No sir.
Q How long was that from the time you had first been spoked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
Q What were you doing here then? A I was subpoenaedx in another case.
Q You had been talking about this case then? A Not much.
Q How much? A A word or two.
Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.
Q You went back to Kansas? A Yes sir.
Q And came back here again to testify? A Yes sir.
(By Hastings)
Q You were subpoenaed by the Cherokee Nation? A Yes sir.
(Continued by Stenographer J. O. Rosson)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 14th day of August, 1902.

Bruce E. Jones
Notary Public.

 (Continued from Steno. Chas. von Weiss.

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental C.F.D.-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O.Rosson, and afterwards dictated by him to stenographer M.D.Green.)

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HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Henry C. Short.
Q How old are you, Mr. Short? A 48.
Q What is your post office? A Mound City.
Q In the Cherokee Nation? A In Kansas.
BY MR. HASTINGS:
Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
Q What was your father's name? A John Short.
Q Were you living there in the years '66 and '67? A Yes sir.
Q Were you living in town or in the country? A Living in the country.
Q Do you know Douglass Walker that left the stand? A Yes sir.
Q Did you know a colored man by the name of Sam Webber up there?
A Yes sir.
Q Do you know that young Sam Weber, his son? A Yes sir.
Q Do you know Joe Ross? A Yes sir.
Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
Q Have you talked to him? A Just spoke to him.
Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir
Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
Q Did you live on the same place in the fall of '66? A Yes sir.
Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.
Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I wont say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.
Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoing farms of ours.
Q Were they living there when you moved? A That fall?
Q Yes sir? A They were living there then.
Q I will ask you what is your best judgmint as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.
Q February now of what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.
MR.SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.
Commission: We will take it for what it is worth and let the Commission pass on it.
BY MR. HASTINGS:
Q That is your best judgement? A Yes, sir.
Q That is your best recollection? A (No response.)

Q You said I believe you knew they were there in the fall? A Yes sir, that is all I can state positively, I don't know how long they were there.
Q You know that by your move? A Yes sir, that is the one thing I have got you know.
Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora, I supposed it was Joe's sister.
BY MR. SMITH:
Q Mr. Short, how old were you in '66? A About 13 years old, September 6, 1866.
Q Now when were you first asked as to the time when Sam Webber left that country? A When was I asked first?
Q Yes?A I think it was last Sunday.
Q Well you didn't know did you? A No, I don't know yet what day he left there at all.
Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.
Q Where was Sam Webber, Jr., in February 1866? A I don't know.
Q Where was he in October, 1865? A He was on the creek.
Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.
Q That was in the fall of 1865 was it? A Fall of 1866.
Q I am talking about 1865? A Well they was there too.
Q Did you see him? A Yes, of course they was there.
Of course, well how do you know, did you see him? A Yes I saw him.
Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.
Q Did he work for you in the fall of 1865? A Worked for my grandfather some.
Q That young Sam Webber? A Yes, sir.
Q You say you knew young Sam Webber, the younger of the two?
A Yes, sir, I knowed young Sam and old Sam too.
Q Did you know young Sam Webber, called Sam Webber , Jr? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.
Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.
Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.
Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865?
A I think not, I don't think they did; they was there in 1865 but they was going and coming all the time; they come down in 1866 and located.
Q They came in 1866 and located? A Yes sir, but they come back and got their family.
Q Now you know only that they were there in 1865? A I know they were there in '66.
Q You don't know what time in '65 they were there? A They were there before '65.
Q Well I am talking about '65; were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.
Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.
Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '66 I think, directly after crops was made; they come down here and they went back up there together in the fall.

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Q Well did they ever come back together? A I don't know whether they did or not; Aaron didn't come back I don't think.
Q What about Sam Jr., did he come down with his father? A Yes sir, I don't know whether Aaron came back or not; I know Sam and the old man come back and got the family.
Q Do you know that they came back together? A Yes, I am pretty sure that they came back, I know I saw them afterwards.
Q Do you remember of Sam Webber Jr. ever bringing any hides into the country? A No sir, I don't remember; I remember Sam telling me he had his cabin up.
Q When did he tell you he had his cabin up? A In the fall of '66.
Q He had been down here in the fall of 1866 and had built a cabin? A Yes sir, he told me he had his cabin built.
Q And now that final move when they took all the people out you think was in that time? I don't know, but it runs in my mind as February or March; I wont say anything about that.
Q What year? A '67.
Q You say you wont say anything about that? A I don't know whether it was or not.
Q You don't know whether it was or not? A No sir, that is a fact; but it runs in my mind it was.
Q There was Sam Webber during the winter of 1865 and '66, the winter that commences with December, 1865 and ends with February 1866? A I think he was there.
Q Well, did you see him there? A Yes, I think he was there pretty much all the time.
Q Well do you know it? A I got no way to fix it; that's my opinion he was there.
Q You can't state it positively that he was or was not? A I know most of them was there and I believe he was too.
Q You can't state that positively? A No sir, not unless I got something to fix the date.
Q You wont say that? A No sir.
Q How can you remember about Sam Webber coming up there in the spring of 1866 and bringing some beef hides? A No sir, I can't remember; of course them dates is a long time ago; how I have got these things fixed in my head that was in the fall of '66 I was moving from one farm to the other, and that was in the fall.
Q You didn't go off of that farm? A No sir, just moved from the west to the east side.
Q And you were a boy about 15 years old? A Yes sir.
Q What is there in that to fix the date in your mind it was in 1866 any more than 1865 you moved? A I know we moved from the things that occurred; the death in the family of a young man that was there; I know it was '66.
Q How about that now; about the deaths in the family? A There was a young man died in the family in '69, 3 years after we moved there it must have been from the things that he did when we moved from one house, but he didn't move in his house at all.
Q You don't seem to be positive about any of these dates you give? A Why I do, when the family moved over, remember that fact.
Q I mean about Webber's movements? A They was all there in the fall of '66; they was all there in October or November one of the two months, because we moved then.

BY MR. HASTINGS:

Q Now you never missed them up there in 1866 did you? A No sir.
MR. SMITH: I object to that; it is not competent whether he missed them or not.
Q Did you ever miss them up until the summer of 1866? A No sir, I have no recollection of them leaving there until that.
Q That is your first recollection of them leaving? A Yes, sir.

Mary A. Highs, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name, Madam? A Mary A. Hicks is the way I sign my name.
Q How old are you? A If I live to the 21st of next month I will be 67 years old.
Q What is your post-office? A Mantey.
Q Is that in Kansas? A Yes sir.
BY MR. HASTINGS:
Q How far do you live from Mound City, Kansas, Mrs. Hicks? A I live six miles.
Q How long have you lived in that neighborhood? A Ever since the spring of 1857.
Q You were living there then after the war? A Living there in the time of the war.
Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.
Q Do you know Mr. Short that left the stand here? A Yes sir.
Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.
Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.
Q Did you know his son, young Sam Webber? A Yes sir.
Q Well did you know a little short one called Aaron Webber? A Yes sir.
Q Did you know a boy called Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.
Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.
Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.
Q What was the date of it? A The date of the death?
Q Yes, madam? A Well it was October.
Q Did you make any record of it in your Bible? A Yes sir.
Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.
Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.
Q You haven't got your specs? A No sir.
Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1864."? A Yes sir.
Q And under the column of deaths appears: "Died October 23, 1866".?
A That is correct.
Q Who was Franklin Hicks? A He was my son.
Q Do you know where Sam Webber was when your son Franklin died?
A No sir, I could not tell you.
Q Don't know? A No I don't; you mean this Sam?
Q That man? A Oh, the old gentleman; he lived up there by me I think; I am most positively he lived there then.
Q Do you know where his wife was? A His wife died there.
Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her Old aunt Rhoda, living.
Q She was living? A Yes sir.
Q Was she a member of this family? A Yes sir, she lived there with them.
Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several times, and if it was a bad night and she saw no one came in she would come and sit up with me.
Q Did you know a sister of Joe's called Chlora? A Yes sir.
Q Now I would like to have your best judgment Mrs. Hicks as to the time Old Sam Webber moved with his family and children from that country? A -

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.
COMMISSION: I understand the question to be her best recollection.
A It has been a long time you know.
Q Well, answer the question? A About him being there?
Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A -
OBJECTED to by applicant.
A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.
Q Well now that would be February of what year? A It would be '67 wouldn't it?
Q You lived then about 175 yards of them? A Yes, sir, I could hear them sing over there and hear them laugh and talk to my house.
Q On whose place were they living? A Well they was living on Mr. Walker's place then.
Q Had he recently purchased it? A Yes sir.
Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.
BY MR. SMITH:
Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question
Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while, I couldn't tell you.
Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mistaken.
Q And you know these Webbers were living on the Walker place?
A Yes sir.
Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I wont pretend to say anything I don't know; I dont want to meddle with, I didn't come down here to criticise or anything about it; I want to tell the truth as far as I can.
Q Where was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.
Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; This one?
Q Yes? A I don't know.
Q He was not there was he? A I don't know, I couldn't say as to that.
Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I wont be positive, I guess though it was in '66.
Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.
Q Don't know? A No I don't; but I recollect about it, he brought me back spice wood and sassafras root.
Q Do you remember young Sam bringing some hides to the community?
A No sir, I didn't charge my mind with anything like that.

Mrs. Mike Tsupinko

Q Well now give me some idea, Mrs. Hicks, about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know; he come in the fall I reckon.
Q You don't know whether it was fall, summer or spring? A No sir, I don't.
Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.
Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.
Q You couldn't be positive whether it was February or after Christmas, could you? A I don't think it was before Christmas.
Q You don't think that was? A No I can't, for several facts.
Q You can't state positively whether it was before or after Christmas, you can't swear it? A I wouldn't want to swear it either way.
Q Where did you move from to this place that you live? A Where did I move from.?
Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '57.
Q About how long did you remain on the place? A I stay there yet, when I am at home: my husband is dead.
Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.
Q You know of his coming one time? A I know him and his father and I think Aaron, and I don't know whether Joe was along or not.
Q Well is this Joe? A Well of course, oh that one, Joe Webber that one sitting there?
Q Yes? A I think it is.
Q Which one of them don't look familiar? A That one, he was nothing but a boy when I know him.
Q Which one, the right one here, the black one? A Yes sir.
Q What is his name? A Joe we always called him.
Q And what is this man right here? A Sam, that is the way we always called him.
Q You think that is the man you know up there in Kansas? A This Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.
Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has growed out of my knowledge.
Q You don't know where the old man Sam Webber was in July '66 do you? A No sir.
Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.
Q You don't know when they did come? A Why I think they come some time in the latter part of the winter, but I say I would not be certain what month it was, in February or March.
Q You wont be certain it was either of them? A I say they left, I was there and saw them start.
Q You would be certain it was either February or March? A I think they did.
Q You think so? A Yes sir.

BY MR. HARRISON:

Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it down.
Q Did you hear of his marrying up there? A Yes sir.
Q Was that before or after he left? A It was before they left.

JANE SPEARS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jane Spears.
Q How old are you? A I am 46 years old.
Q What is your post office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.
BY MR. HASTINGS:
Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Douglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just before the war some colored people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not
Q Did he recognize you? A Well he let on as though he did; I dont know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yes sir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1866.
Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A -
BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.
COMMISSION: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.
Q My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.
BY MR. SMITH:
Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

Q Fall of what year? A '66. And then came back.
Q Now do you remember young Sam Webber's coming back with reference to the time Sam Webber Sr. came, who came first when they returned from this trip looking for claims you speak of? A They came together.
Q You are sure of that? A Yes sir.
Q Where was Aaron Webber, did he come back with them? A I don't remember very much about him.
Q You don't remember whether he did or not? A No, I wouldn't be positive whether he came with them or not, when they came after their claims.
Q Do you know when the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
Q Either summer of fall? A Yes sir, sometime along in the summer or fall.
Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
Q Made a crop in '66? A '66.
Q What did he do with that crop? A I suppose he put it up here, disposed of it.
Q Do you know whether he sold it or not? A No, I don't know whether he sold it or not, I think they fed it to their stock before they left.
Q Where was Sam Webber Jr in December 1865? A I don't know where he was at.
Q Where was he in January and February of '66? A January or February of '66, I can't say.
Q Where was he in July of '66? A I don't know where.
Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
Q Where was old man Webber living in the year of 1865? A He was living there close to my mother's farm I speak of.
Q In 175 steps of you? A Yes sir.
Q And you don't remember of his coming there at any thime off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts.
Q Now what makes you think it was February or March of '67 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
Q These darkey boys? A The Webber boys.
Q Did what? A Trapped for some that winter on the patch of cane where we had left the seed on the corn.
Q That the winter that commences in December and ends in February, December, '66 and February of '67? A It was all in the winter of course.
Q Well the winter is pretty well over by the last day of January isn't it? A Not always it aint.
Q Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.
Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have so much.
Q So that as a matter of fact the fact that they trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left; that is the best of my knowledge.
Q Now in what way do you fix the date, you speak of your people there in that the way you fix the date, by that? A No sir, I fix it by memory, of course that is the way by the people, of this child's death; they were there then; that is, the family were, I don't re-

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.
Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir,
Q When was that? A That was the first time they came down.
Q When was it? A That was in '66.
Q What month? A I don't know.
Q Can you state within two months of the time? A No I don't know as I could.
Q Can you remember that as well as you could the other time? A (No response).
Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.
Q What was it, sassafras roots? A Yes sir.
Q That must have been in the spring? A I don't know.
Q Well they don't make sassafras in the fall? A We used it for tea
Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.
Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.
Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.
Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.
Q Now who else was there? A Chlora was there.
Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.
Q Well now that I want to know, who was there except this woman, Rhoda? A I don't know anything about that.
Q You don't know? A No sir.
Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.
Q All you know of? A Yes sir.
Q If they made others you don't know it? A No sir,I don't know anything about any more trips they made.
Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?
Q Yes? A I don't know as it was, I suppose about the time.
Q Well about when, do you know who wrote that? A I know who wrote that?
Q That is what I am talking about? A This was drawn off from another Bible.
Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st,1868" is in the same handwriting that this is do you?
A No sir.
Q You don't know that this is in the same handwriting? A No sir, it is not.
Q Now who wrote that date, October 23,1866? A Park Nichols.
Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.
Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.
Q It was in there long before any investigation came up wasn't it?

A Yes sir.
BY MR. SMITH:
Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.
Q If they came here you didn't miss them? A No sir.

MARY A HICKS, re-called for additional cross examination.
BY. MR. SMITH:
Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.
Q Was it put there at or about the time he died? A Why it was not long after he died.
Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.
Q Well was it as much as a month? A I wont say sir.
Q You can give some idea? A Well I tell you now, I wont say anything when I don't know anything.
Q I thought probably you might know better than I dos, as I know nothing about it? A If I know when I set it down I would recollect it; I have had a good deal of trouble about it.
Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.
Q What was his name? A His name was Nichols.
Q Do you remember how long after your child died before Nichols went to work for you? A No sir.
Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?
Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.
Q Do you think it was as much as two years? A No sir.
Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.
Q Was this the first place it was made where it was made here in this Bible? A Yes sir.
MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.
COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.
BY. MR. HASTINGS:
Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.
Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.
Q You so stated? A Yes sir.
BY MR. SMITH: I object to that; it is leading.
BY Mr. HASTINGS:
The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.
COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 496, the same being the case of Chlora Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman doubtful case 350, the same being the case of Joe Ross.
It is further ordered that a net of all the testimony

given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross, be filed in case Cherokee Freedman D-350, of Joe Ross, and in Cherokee Freedman D-496, of Chlera Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him fro the stenographic notes of JOHN O. Rosson, by said Rosson, and that the foregoing is a true and complete transcript of his stenographi notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 16th,1901.

J. C. Starr,

Notary Public.

SEAL.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 25, 1901.

In the matter of the application of John Lasley for enrollment as a Cherokee freedman; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A John Lasley.
Q What is your age? A 40.
Q What is your postoffice address? Lenapah
Q In what district do you live? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes sir.
Q Who else do you desire to have enrolled besides yourself?
A No one. My wife is a state woman.
Q Have you any children? A No sir.
Q Is your name on the roll of 1880? A No sir.
Q Is it on the Wallace and Kern-Clifton roll? A On the Wallace.
Q Didn't you draw strip money? A No sir, just Wallace money.

Applicant not found on the 1880, 1896 or Kern-Clifton rolls.

Wallace roll examined and the applicant found as follows-
Page 121 No. 2551, John Lasley.

Q Where were you born? A Goingsnake district.
Q In the Cherokee Nation? A Yes sir.
Q What was your father's name? A John Lasley.
Q Is he living? A No sir.
Q What is your mother's name? A Rachel Whitmire.
Q Is she living? A No sir.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A Johnson Whitmire.
Q Was he a Cherokee citizen? A Yes sir.
Q Did you go out of the Cherokee Nation during the war?
A No that I know of my own knowledge.
Q Where were you when you first recollect?
A On Big Creek, Cherokee Nation.
Q Did your father and mother leave the Cherokee Nation during the war? A I don't know of my own knowledge.

BY JAS. DAVENPORT, Cherokee representative.

Q Where were you living when you first recollect?
A On Big Creek, Cherokee Nation.
Q With whom were you living there? A Sam Whitmire, my uncle.
Q Have you lived there ever since? A Yes sir.
Q You were not born until the close of the war? A Yes sir.
Q Where were your people living when you were born? A I don't know
Q Do you remember your mother? A Yes sir.
Q Where was she living when you first remember? A On Big Creek.
Q Near whom were you living when you can first remember?
A Close to old man Webber, Jack Starr, Peter Meigs.
Q Peter Meigs was a witness for you before the Kern Clifton Commission, wasn't he? A Yes sir.
Q He testified then that he had only known you about 15 years at that time? A Not as I know of, he didn't.

Q You were not enrolled by that court, were you?
A Not as I know of.
Q Peter Meigs did testify for you then? A Yes sir.

SAM WEBBER called and sworn as a witness for the applicant-

Q What is your name? A Sam Webber.
Q What is your age? A 58
Q What is your postoffice address? A Nowata.
Q Are you a recognized Cherokee freedman? A Yes sir.
Q Do you know this applicant? A Yes sir.
Q How long have you known him? A Ever since he was a boy.
Q What was his father's name? A I never saw his father.
Q What was his mother's name? A Rachel Lasley.
Q What was her name before she married Lasley? A Whitmire.
Q Do you know when this applicant was born, or where?
A No sir, I don't.
Q Did his mother go out of the Cherokee Nation during the war?
A Yes sir, she went to Fort Scott.
Q Was the applicant born then? A Yes sir.
Q When did his mother return? A In the fall of '66.
Q Did she bring this applicant with her? A Yes sir.
Q Do you know they returned in '66? A They came with Sam Whitmire and they came just behind me and lived right by us in '66.

BY DAVENPORT:

Q How far did Sam Whitmire locate from you in '66? A 2 miles.
Q Did Sam Whitmire come when you made your last trip?
A Some 3 or 4 weeks after I come the last time.
Q You don't recollect just exactly how long after?
A Not exactly, some 3 or 4 weeks though.
Q Who else was living there then? A Peter Meigs, Mike and Reuben Sanders, myself and father and Wilson Towers.
Q Is the applicant's mother dead? A Yes sir.
Q Peter Meigs was living right there by you when this applicant and his mother came? A Yes sir.
Q And you think it was in '66 that they came? A I know it was.
Q You didn't testify for this applicant before the Kern Clifton Commission, did you? A No sir.
Q Peter Meigs did? A I don't know about it.

BY THE COMMISSION:

Q How long has this applicant's mother been dead? A It has bee---------
Q Did she die before 1880? A It has been 14 years since she died
Q You don't know if she is on the roll of 1880 or not?
A No sir, I don't know.

LEWIS WHITMIRE, called and sworn as a witness for the applicant-

Q What is your name? A Lewis Whitmire.
Q What is your age? A 62.
Q What is your postoffice address? A Hayden.
Q Are you a recognized Cherokee freedman? A Yes sir.
Q Do you know the applicant? A Yes sir.
Q How long have you known him? A Ever since he was born.
Q Do you know his father's name? A Benjamin Lasley.
Q Do you know his mother? A Yes sir.
Q What is it, Susie Lasley?
A No sir, this boy's mother was a Rachel Whitmire before she married.

Q Was she a slave? A yes sir.
Q She belonged to whom? A Joe Whitmire.
Q Did she go out of the Cherokee Nation during the war? A Yes sir.
Q Was this applicant with her? A Yes sir.
Q Small child then? A No sir, a sucking baby.
Q When did Rachel and this applicant come back to the Cherokee Nation after the war? A In the fall of '66.
Q Have you known him ever since? A Yes sir.
Q Are you certain she came here with him in '66?
A Yes sir, I saw her in '66 with this applicant.

BY DAVENPORT:

Q Did they go to the same place in Kansas that you did?
A They went to Fort Scott.
Q Did you know them before the war? A Yes sir.
Q How old was this boy when the war broke out? A Just a baby.
Q Who was living there near them when they returned?
A No one was living there, they was all camped there.
Q Where was Peter Meigs then? A He was camping there.
Q You didn't testify for this applicant before the Kern Clifton Commission? A No sir, this is my first time.

BY COM'R NEEDLES,

John Lasley applies for himself; he cannot be identified on the authenticated roll of 1880, or the Kern Clifton roll, he is identified on the Wallace roll; he avers and proves that he is the child of one Rachel Whitmire; that she was a slave in the Cherokee Nation prior to the war and returned here in 1866, and that when she returned she had this applicant with her. He avers and proves that he was raised in the Cherokee Nation, and has been a resident thereof ever since he came here in 1866. From the testimony adduced, the Commissioner is of the opinion that the applicant should be listed for enrollment as a Cherokee freedman on a straight card, but because of the protest of the Cherokee Nation he will be placed on a doubtful card and he will be notified by mail of the final decision of the Commission.

S U P P L E M E N T A L T E S T I M O N Y.

))))))))))))))))))))))))))))))))

ON THE PART OF THE CHEROKEE NATION-

W. W. HASTINGS being first duly sworn by Commissioner T. B. Needles testified as follows on the part of the Cherokee Nation-

"My name is W. W. Hastings, my age is 34, my postoffice address is Tahlequah. I know John Lasley the applicant here. I want to testify in this case. I am one of the representatives of the Cherokee Nation, I also was one of the representatives with Mr. Keys before the Kern Clifton Commission and at that time we made as copious notes of the proceedings of that Commission as out time would permit. We have those notes here with us now and refreshing my memory from them, they show that this man John Lasley applied for enrollment before that Commission and that his only witness at that time was Peter Meigs, who was then living, whose residence was somewhere on Big Creek in the

Cherokee Nation, and the only Peter Meigs that I knew anything about, and he, at that time, in 1896, testified that this man had been back to the Cherokee Nation at that time about fifteen years, and upon that testimony that Commission rejected this applicant.

BY COM'R NEEDLES-

Q That is simply your recollection from your notes? A Yes sir.
Q You don't pretend to introduce that record do you? A No sir, I am just testifying myself and refreshing my memory from the notes made at that time.

BY THE COMMISSION, OF THE APPLICANT-

Q Do you know Peter Meigs? A Yes sir.
Q Is he living? A He is dead.
Q Was he your witness at that time? A Yes sir.
Q Do you know what he testified at that time? A No sir, I don't.

Chas. vonWeise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise.

Subscribed and sworn to before me this the 9th of July, 1901.

(signed) T. B. Needles.
Commissioner.

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I copied the above and foregoing and that the same is a true and correct copy of the original.

Marie E. O'Neil

Sworn to and subscribed before me this 9th day of November, 1903.

Edward Merrick
Notary Public.

Freed. D-849.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., May 31, 1902.

In the matter of the application of John and Luella Lasley for enrollment as Cherokee freedmen.

Applicants represented by Mellette & Smith:
Cherokee Nation by W.W.Hastings and J. S. Davenport.

MR. SMITH: Applicant offers a marriage certificate.

CHEROKEE ATTORNEYS: Representatives of the Cherokee Nation object to the certificate purporting to be a marriage certificate for the reason that there was a law enforced in the Indian Territory at the time it purports to be dated requiring parties contracting marriage to procure a license from the Clerk of the United States Court in Indian Territory.

COMMISSION:
The document will be filed and considered for what it may be worth.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(signed) E.G.Rothenberger.

Subscribed and sworn to before me this 16th day of June, 1902.

(signed) P.G.Reuter
Notary Public.

SEAL.

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the above, and that the same is a true and correct copy of the original

Minnie E. McNeil

Sworn to and subscribed before me this 9th day of November, 1903.

Edward Merrick
Notary Public.

B

30849

DEPARTMENT
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 25 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

JUN 25 1901

Date June 25, 1901

Post Office Lenapah I.T.

District " " Geo

1. Name John Lasley Age 46

Owner's name Citizenship

Year Wallace Page 121 No. 2551 District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by No. 1 Stenographer Chas. von Weise

Overtime

Overtime

DEPART[illegible] INTERIOR.
COMMISS[illegible] [illegible]LIZED TRIBES.
[illegible] FILED
SEP [illegible] 1901
[illegible]
ACTING CHAIRMAN.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, [illegible], 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of [illegible] for enrollment as Cherokee Freedmen.

[illegible]
Attorney for Applicant

Cherokee Freedmen # [illegible]

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of John Lasley for enrollment as a Cherokee Freedman.

No. F. D. 849

Henry Pack, of lawful age, being duly sworn on oath states that on the 21st day of September A. D., 1901, he registered to John Lasley whose postoffice is Lenapah Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 7th day of October, 1901, he received the return card which is hereto attached, signed by the said John Lasley, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 7th day of Oct A. D. 1901.

J. C. Starr
Notary Public.

F.D 849

2

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 17 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of John Lasley
for enrollment as Cherokee Freedmen:

Case No. F. D. 849

To John Lasley Lenapah I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 24th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this. SEP 20 1901

W. W. Hastings
J. S. Davenport
Attorneys for the Cherokee Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 18 1902

To be filed with _____.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C.F.D. 350.

Appearances:
W.W.Hastings, for the Cherokee Nation.
Mellette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedmen D 972, be made a part of the record in this case.

COMMISSION - - - - It is further ordered that a set of all the testimony given by sam Webber in Cherokee Freedmen Doubtful case 872, the same being the case of Jefferson Ross be filed in the case Cherokee Freedman D 350, of Joe Ross, and in Cherokee Freedmen D 496, of Chlora Greyson and in Cherokee Freedmen D 216, of Aaron Webber.

--oo--

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants;
W.W.Hastings, counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Sam Webber.
Q How old are you? A About [illegible].
Q Where do you live? A I live about two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.
Q Do you know this applicant, Jefferson Ross? A Yes, sir.
Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.
Q When did you first know him? A I got acquainted with him just after the war.
Q Where? A Here in the Nation.
Q About what part of the Nation? A He came to my house thereoon Big Creek in the Nation.
Q What time? A Along in the spring of '67.
Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.
Q Do you know where he was living at the time he came to your house? A He had been working on Snow Creek he claimed and he was on his way hunting his sister.
Q Did you ever see him after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightening Creek.
Q Did you see him then after that at his sister's? A I saw him then often and on for near about two years I guess.
Q Where? A There at Lightening Creek.

POOR ORIGINAL -
BEST AVAILABLE COPY

Q In the Charlotte Nation? A Yes, sir.
Q Was [illegible] married or a single man at that time? A He was a single man to my knowledge.
Q Do you know [illegible] living now? A No, sir, I don't.
Mr. Hearing: [illegible] about two years?
A Yes, sir.
Q Then how [illegible] Sam? A I remember
after that [illegible] back again.
Q [illegible] six months of a year
after [illegible] tell you.
Q [illegible] know.
Q [illegible] wife.
Did [illegible] Wa[illegible]
Di[illegible] A [illegible] I saw him
We[illegible]
[illegible] Thornton.
[illegible], independent house, keeping house
Y[illegible] did.
[illegible] tell you.
Q [illegible] A I never saw
[illegible] people around there.
Him [illegible] No, sir, not to
Q [illegible]
my [illegible] Not as
Q [illegible]
I [illegible] Henry Thornton.
Q [illegible] Yes, sir.
Q [illegible] don't know that.
Q [illegible] to his sister's? A That
Q [illegible] never saw them
Q [illegible] No, sir.
[illegible] When I
Mr. [illegible] war, this-
first [illegible]
[illegible] here.
Q [illegible] A It wasn't
[illegible] married? A I was
Q [illegible] the winter of 1877? A It
[illegible] year after Christmas.
Q [illegible] A It was
[illegible] date.
Q [illegible] lady's name at that time was Finda Mar-
[illegible]
Q When did you commence keeping house? A I went in my house when
first [illegible]
Q You had two [illegible] keeping house separate and apart? A I was
keeping house when I was single. I built me a little house, and was
living in there.
Q What time in the year did you and your wife move into that house?
A We moved in it in the house after we were married.
Q And you don't recollect what time of the year?
A Along after Christmas. I was already in the house.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the forgoing copy and that the same is a true and complete copy of the original transcript.

(signed) M. D. Green.

Subscribed and sworn to before me this November 16, 1901.

(Signed J. C. Starr,
Notary Public.

(SEAL)

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the forgoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

A R Cheever

Sworn to and subscribed before me this 11th day of August, 1902.

K O Jones
Notary Public.

Supl. C. D. #818. Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD WRIGHT as a Cherokee Freedmen, introduced on part of the Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the office of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation was represented by its representative, L. B. Bell.

C. V. Rogers, being duly sworn, testified as follows on behalf of the Cherokee Nation.

MR. BELL:

Q Tell him your name? A C. V. Rogers.
Q Age? A 63 years old.
Q Place of residence? A Claremore.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you been such? A All my life, a little over 63 years.
Q Did you go out of the country during the war? A Yes, sir.
Q When did you return? A '66.
Q Where did you come to? A Come to Fort Gibson.
Q And stayed there did you? A Yes, sir.
Q Well what was your business? A After I come back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a Freedman by the name of Moses Whitmire? A Yes, I know him.
Q Where did he belong before the war? A He belonged in Going Snake District.
Q Do you know what particular Whitmire he belonged?
A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
Q If you did see him when did you first see Moses Whitmire after the war, after your return to the Cherokee Nation?
A As well as I can remember it was in February, 1866 I met him just on this side of the Neosho River, as they were moving back to this country from Texas. There was between 24 and 25 to 28 wagons and I met them right on this side of the Neosho River; Dick Whitmire, Moses Whitmire and Aaron Whitmire and [illegible] is all I remember of the party.
Q Did you have any conversation with them at that time? A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 25 or more wagons was loaded with people?
A Yes, mostly every one had household goods in them.
Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
Q Well [illegible] where you say it was. It was right on this side of the Neosho River; between the [illegible] place and Neosho River
Q How far from the Neosho River? A I am some half a mile.

Q How far from the north line of the Cherokee Nation?
A I think the river is the line, about half a mile.
Q And how far is that from the Kansas line? A The Neosho is the line, way I understand it.
Q You had reference to where the military road crosses the Neosho river? A Yes, sir.
Q At Jack McLain's ferry? A They called it Hudson ferry at that time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Moses Whitmire you met and talked with is the same one you knew in Going Snake and belonged to the Whitmire family there?
A Yes, sir.
Q About how old a man was he when you met him? A He is an older man I think than I am.
Q And you see other with him you know? A I think Aaron Whitmire and Moses Whitmire and old Major Wright is the old ones I know.
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.
Q Do you know where this man Whitmire lives now, Moses Whitmire you met?
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know thought there he lives. I have saw him ever since I have been here. I don't think I ever was at his house.

---oooOOOooo---

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

Stenographer.

F. D. 818.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:
Ben J. Scoville representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS. The Cherokee Nation offers in evidence a decision of the Chambers Commission on citizenship as found on page 55 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers com'n on Citizenship," as follows

"No. 85 Edward Wright (Ex. 7th of June.
vs (Answer filed.
Cherokee Nation.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 89. Hagar Wright
vs (Ex. June 7th. Statement filed
Cherokee Nation. on the 28 of June.
1st July set, 1st Aug.
set for trial.

Judgment against claimant June 26th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Chickasaw Nation by Lewis Thitrip on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1871," as follows:

"Before the Commission sitting at Tishomingo to try claims to Cherokee citizenship.

The undersigned claimant in the case of
Lewis Thitrip
vs
Cherokee Nation
respectfully presents the following statement of his claim according to the requirement of the Commission

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

Claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1870.

Lewis Whitmire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee Citizenship.

In case of Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the first specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement of claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

George [illegible]
[illegible]
June [illegible], 1870. [illegible] W. P. Boudinot, Atty."

The Cherokee Nation offers the following from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A," page 232, case No. 60, as follows:

"Case 36.

Aaron Whitmire)
vs) Tahlequah,
Cherokee Nation.) July 4, 1873.

Mike Fields a witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Illinois District, C. N. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court.

An a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August -- 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of hat number. The claimant was one of hem. The came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first come down there was about 15 in the party. They left their families in Kans[illegible] when they came down here. There was some of party come with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reuben [illegible], [illegible] Sheders.

The Whitmire proper were Aaron, [illegible] Rose, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting homes. When I moved with my family I [illegible] Creek at Mrs. Alberty's and remained about two weeks, [illegible] that part of the country was because that part of the country was too sparsely settled and bare of subsistence. As I [illegible] the first time we were overtaken by the Hawkins [illegible] on. They were some who come here were authorized by others to locate claims for them, one was by Mekey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Mushy Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left [illegible] there when I left. It was reported [illegible] returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not [illegible]. I only learn they had. The war closed in 1865 I think. I did not do it myself but people told me who could read.

I do not know myself that it was the [illegible] of Aug. When I came here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Mick Fields.

[illegible]

Aaron Whitmire)
vs) August 1, 1879.
Cherokee Nation.) Rufus [illegible], witness for claimant, called and sworn.

I reside in Coowescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Coweescoowee District

on the 3rd of September, 1866. I had occasion some time in the l[illegible]
of Oct., or the first of Nov, or probably it might have been a late
in the fall of November, to go to the Virdifris. While out there
I fell in with a party of seven or eight persons who were camped
with others near Sac Crouches. I did not go to the camp. They were
colored people. I knew most of them. The names were old Ben
Webber, Aaron Whitmire, and a younger brother and Lewis Whitmire.
There was another person whom I was told was a Lendrum. I do
not recollect any of the others and can not identify them. The
[illegible] were Johnson and George Whitmire, Aaron, Lewis and the
[illegible] belonged to them. I conversation with the old Webber he asked
[illegible] I knew anything about the Indians and if Jim Lendrum had got
home. I told him I had not heard anything but had heard rumors
about it. He told me they had come to pick themselves holes or make
a stand and that he was going to join the company and the reason why
[illegible] was that he was an old man, but that he had
[illegible] down to Fort Gibson and also him a slave. He then asked
me to carry them up to Fort Gibson provisions over on the river; I told
him I could carry them, but that I was not a lot of corn or flour
[illegible] Gibson and he said they could get corn.
[illegible] Gibson told me they had come over to raise claims for others,
[illegible] expectation to come over and to build their homes and so forth. They
were [illegible] in Kansas, to build their homes and so forth. They
[illegible] stated that they were notified to come, and that they had
[illegible] to raise claims for themselves and the others that
[illegible] left behind in Kansas. As near as I can recollect it was some
time in October or November that I saw these parties. I was not
[illegible] at the time. I recollect as I carried out at night.
I did not see any of these parties after this time, May, 1867. There
was no provisions to be had in this country at that time. Provisions
were very scarce. It was my understanding that they had come to
[illegible] for themselves and families. They told me so at least.
[illegible] belonged to Cornelius Wright before the war.

Cross Examined.

I [illegible] after this [illegible] went back to Kansas. At the
[illegible] I [illegible] to the Nation [illegible] their families were with them.
I think I saw Dennis Whitmire with this party, but am not certain
[illegible] Dennis or Nelson. I know there are four of the Whitmire
boys. They are owned in the Nation [illegible] to the
[illegible]

W. W. Alberty.

[illegible]
[illegible]
[illegible] Nation.

I am Melissa Ratliff. She was twelve or thirteen years old
at the close of the war.
She has been living with me ever since and still lives in my family. Jack
Harris was one of the band above referred to, also Hanson Daniels.
I learned from our leaders Uncle Pike and Sam Webber that the Cherokee
delegates advised us to settle in a compact body on unoccupied lands.
We crossed the Neosho in coming down at McLane's Ferry in 1866.
The chief ferryman who crossed us was a Bill Martin.
While on Lightning Creek in 1866 I saw Mr. Alberty but had no
conversation with him, but Mr. Webber had in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Meigs, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name may any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Dan, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1866 to Kansas after coming to the Nation. When witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Meigs and the families of those who had families all come as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine. Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his mother on the first trip in 1866. Witness was about 13 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation [illegible]

Attest:

[illegible] Wilson,
Clerk.

his
Hosex Whitmire.
mark.

Case 65.

Aaron Whitmire & family)
vs) Claiming citizenship.
Cherokee Nation.)

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in this

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Virdigris River for himself and family's permanent residence.
While he was thus making preparations for the removal of his family by providing for their habitation and subsistance at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Virdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistant with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,
Aaron Whitmire,
By Atty Jno. P. Foudinot.

Aaron Whitmire
vs
Cherokee Nation.

August 1st, 1878.

Wm. Martin, witness for claimant, called and sworn.

I live on Big Creek, Cooweescoowee, C. N. I am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother Lewis, never knew Aaron until I met him at the river. Lewis I knew quite well at that time. While I was in charge of the ferry I recall of having met claimant and More, Lewis, Dennis and Nelson, Whitmire, Peter Heigs, Mike Sanders, Sam Walker, and Young Sam, Sam Young and others but Idd not recollect anything about them. They were traveling. They stated they were from Fort Scott, Kan., they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation. They inquired the road to Big Creek. Made a guide them the direction to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim Vann as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I met claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the first of October, 1866. I am positive it was before Christmas at I left there at Christmas or probably a few days before Christmas.

Cross Examined

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned before the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time,

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were more who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enought that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I knew this from having heard it generally talked amongst themselves.

Xe Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I set them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistance at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire)
Vs) July 4th 1870.
Cherokee Nation.)

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest:
D. L. Nicholson, Clerk.

Wm. McCracken.

Aaron Whitmire
vs
Cherokee Nation.

Binford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unocoupied part of the country.

This was thought best for the colored man as they could have their own schools &c until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

POOR ORIGINAL - BEST AVAILABLE COPY

The home of claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1865 I gave claimant and other colored men permission to occupy two old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire is the name of the other man, I also permitted to go on the old field. The spring of 1867 I saw Aaron and Louis Whitmire at work on the two fields spoken of. This settlement of colored people had the character of quiet industrious and law abiding citizens as much as any in the Nation. Some of these people have large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the Fall of 1866 saw this colored party who settled on Big Creek afterwards in the neighborhood for the purpose as they said at the time of selecting their homes. Several claims was then in sight of witness which the colored party said they had selected and are now the homes of the party above indicated.

Agent Jones was at the time advising said Col party. A Delegation for the Cherokee Nation at Washington. There were parties as witness learned from one of them who wished to expel or drive off from their claims this colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is herding wild Cattle. I travelled a good deal in that neighborhood at that time spoken of.

"Continued on page 283."

Aaron Whitmire et al)
vs)
Cherokee Nation.)

July 16th 1878.

John Riley,
sworn as witness for Deft. I live in Coowescoowee Dist. I first moved there in 1852 and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I knew Aaron Whitmire. He returned or came to the Virdigris River to live in the month of March 1867. Also came at the same time Pat Reign, Mike Sanders, Sam Webber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Lindrum. He had settled no other place before that.

Cross Examined.

I don't know of any colored heads of families coming in to the Nation in the month of Dec. 1866 to locate homes but I know of some who came in Sept. '66 for that purpose. I knew where Aaron Whitmire lived at this time. I was near Cody's Bluff in Dec. '66. I live on the west side of the river. Claimant lives and settled on the east side of the river. If any heads of families came in Sept. 1866 I never heard of them. I never knew of Bluford Albany being in the part of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitmire was not along but Mike Sanders, Sam Webber, Colbert & perhaps Billy Foreman. Moses was not along. Dennis was not along as I know of nor Mariah nor Major Wright nor Nelson Whitmire that I know of. If any such party had come down in Dec. 1866 I think certainly I would have known it.

Joseph Riley.
Randolph Riley.

(Page 283)

About the middle of May 1867 I first saw this party with their families at their new homes. Claimant and others of this Colored party told witness that they returned in March 1867 to the Nation.

Re Direct

I learned from John Coker that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 in my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. W. Alberty.

Attest
D. L. Nicholson,
Clerk.

Aaron Whitmire)
vs)
Cherokee Nation.)

Tahlequah May 16, 1878.

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N."

Arthur G. Croninger, being first duly sworn, states that he was stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1910.

(SEAL)

(Signed) P. G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur G. Evans

Subscribed and sworn to before me this 15th day of Aug., 1910.

Bruce Barnes
Notary Public.

"OTTO VERNON MOTION

"Subscribed and sworn to before me this 20th day of June, 1903.

[illegible]

Notary Public.

849

Arthur G. Coulter, being first duly sworn, states that he is a stenographer in the Commissioner's office and that he took the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes taken at said hearing.

Subscribed in full the foregoing testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes taken at said hearing.

Arthur G. Coulter, being first duly sworn, states that he is a stenographer in the Commissioner's office and that he took the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes taken at said hearing.

Subscribed and sworn to before me this 20th day of June, 1903.

[illegible]

Notary Public.

"COMMISSIONER OF THE GENERAL LAND OFFICE.

and the testimony: The testimony of the Navajo Nation will be considered with the case.

Mr. Hagerman: The Navajo Nation in Tesuque Pueblo, by counsel, the Navajo Nation, by counsel, the

F. D-648.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 21, 1902.

In the matter of the application of John Lasley for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-648.

APPEARANCES:
Lewis T. Brown, representing Mellette & Smith, for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that a copy of the testimony filed by the Cherokee Nation in Freedman Doubtful 818 and in Freedman Doubtful 216, be filed with and made a part of the record in this case.

COMMISSION: The request of the Nation will be complied with and the testimony filed.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this ~~1st~~ 30 day of July, 1902.

(Seal)

F. F. Rentie
Notary Public.

FL 849.

COMMISSION TO THE FIVE C...
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WASHINGTON

Freed. B-848.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 21, 1902.

In the matter of the application of John and Luella Lasley for enrollment as Cherokee freedmen.

Applicants represented by Mellette & Smith; Cherokee Nation by W. W. Hastings and J. S. Davenport.

Mr. Smith: Applicant offers a marriage certificate.
Cherokee Attorneys: Representatives of the Cherokee Nation object to the certificate purporting to be a marriage certificate for the reason that there was a law enforced in the Indian Territory at the time it purports to be dated requiring parties contracting marriage to procure a license from the Clerk of the United States Court in Indian Territory.
Commission: The document will be filed and considered for what it may be worth.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rothendorger

Subscribed and sworn to before me this 16th day of June, 1902.

B. S. Rutt
Notary Public.

Cher. Fr. D-849.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 10, 1903.

SUPPLEMENTAL PROCEEDINGS AND TESTIMONY in the matter of the application for the enrollment of John Lasley as a Cherokee Freedman.

It appears that on the 21st day of November, 1903, the applicant, his attorney, L. F. Parker, Jr., and the Cherokee Nation were duly notified by letter that an opportunity would be given them to appear before the commission at its offices in Muskogee, Indian Territory, on December 10, 1903, and then and there to intr oduce further testimony touching the matters stated in said letter.

APPEARANCES:
Applicant by his attorney, L. F. Parker, Jr.
Cherokee Nation by attorney J. S. Davenport.

REUBEN SANDERS, being first duly sworn by the Commission, testified as follows:

BY COMMISSION: What is your name? A My name is Reuben Sanders.
Q How old are you? A I am over 50 years, I reckon, I do not know my age.
Q You were born before the commencement of the rebellion? A Yes sir.
Q What is your postoffice address? A Centralia, Indian Territory.
Q In what district do you live? A In Cooweescoowee District.

BY MR. PARKER:

Q How big were you at the time of the breaking out of the rebellion?
A I was quite a boy, I just did not know my age.
Q Were you old enoughto know what was going on? A Yes, sir.
Q Working, were you? A I worked some.
Q Who was your father? A Mike Sanders.
Q Where did he live before the war? A He lived on Caney, in Tahlequah District.
Q Are you any relation to John Lasley, the applicant? A I am.
Q What relation are you to him? A It would make me his cousin, my father was his great uncle.
Q Who was his mother? A His mother was Rachel Whitmire.
Q Where did they live before the war? A They lived in the Cherokee Nation.
Q What district? A Said to be Going Snake District.
Q Do you know who they belonged to? A Rachel belonged, so far as I could know, it was Johnson Whitmire.
Q Do you remember the occasion of the colored people congregating preparatory to leaving the Cherokee Nation, after the war broke out? A Yes sir.
Q Where did they meet, the crowd you went with?
A We first met at John Ross' the next time we went somewhere above Fort Gibson.

Q Was Rachel Whitmire in that crowd? A She was.
Q Was the applicant here born at that time? A He was a little boy
Q How far did Rachel go with the crowd, to your knowledge?
A She went as far as Baxter Springs, to my knowledge.
Q You separated there? A Yes sir.
Q Later on, did you see her anywhere in Kansas?
A The next time I saw her was at Ft. Scott.
Q When did your father and family start back to the Cherokee Nation after the war? A In August.
Q What year? A 1866.
Q Who else was in the party besides your father, Mike Sanders?
A Sam Webber, Martin Whitmire, Rachel Whitmire.
Q That is the mother of the applicant here? A yes sir.
Q Was he along, this little boy John? A Yes sir.
Q Was Lewis Whitmire along? A Yes sir.
Q Where did they come to in the Cherokee Nation? A They came to Big Creek.
Q What time did they arrive there, what month?
A It was in August.
Q Same year? A Yes sir.
Q What did Rachel Whitmire do after she came to Big Creek toward making a settlement? A Taken a claim on the south and east side of Big Creek.
Q How far from where your father located? A About three quarters of a mile.
Q Did she make any improvements there? A Built a part of the house at that time.
Q Since that settlement, where has this boy, John Lasley lived?
A Now they moved when we moved, we moved the first part of '67; we first got the claim and then went back and moved and they came with us the last trip we made and moved with us. They came the first trip and taken claims and moved the last trip.
Q You state that your father was the applicant's great uncle, and he was the uncle of the applicant's mother, Rachel? A Yes sir.
Q Where has John lived ever since they came here and settled permanently? A He lived on Big Creek where they first taken claim for about ten or fifteen years, to my best knowledge, and then they moved over on Cedar Creek where they live now.
Q Have they always lived in the Cherokee Nation - since they located here on their return? A Yes sir.
Q Was his mother, Rachel Whitmire, an ignorant woman, or otherwise?
A She is an unlearned woman.
Q Can she read or write? A No sir, she can't neither read or write
Q They have always been very poor people, havn't they? A Yes sir.
Q You are a recognized citizen of the Cherokee Nation? A I am.
Q What positions, if any, has John Lasley held in the Cherokee Nation.

(Objected by the attorney for the Cherokee Nation as being immaterial and incompetent)

By Commission: The objection will be noted and the witness will answer the question.

A He has just been guard around the election polls, that is about all the positions I know.
Q Has been that at various elections since he has been of age?
A yes sir, since he has been of age.
Q State whether or not John has ever voted to your personal knowledge?

(Objected to by the attorney for the Cherokee Nation as being immaterial and incompetent).

BY COMMISSION: the objection will be noted and witness will answer the question.

A yes sir, he has voted at every election since he been old enough to vote.

BY COMMISSION:

Q How long have you known this applicant, John Lasley?
A I have known him ever since he was a baby.
Q Was he born since the close of the war? A No sir, before the war.
Q Was he born before the commencement of the rebellion?
A yes sir.
Q How old was he when the war broke out? A Of course I couldn't know his age any better than I know my age, I couldn't tell you how old he was; he was almost a baby boy at the breaking out of the war.
Q He was born in slavery, then was he? A Yes sir.
Q Did he belong to the same master that his mother, Rachel Whitmire, did? A She had him in her arms and I suppose he did belong to the same party.
Q Did the applicant, John Lasley, go with his mother to Kansas during the war? A Yes sir.
Q Were you in the same party that returned with her?
A Yes sir, my father led the crowd, his name was Mike Sanders.
Q How many trips to the Cherokee Nation did you make right after the close of the war? A We made three trips.
Q When did you come down the first time? A In August.
Q What year? A 1866.
Q When did you come the next time? A In the fall of the same year.
Q When did you come down the third time? A In the winter of '67, when we come the last time.
Q ~~Was it I suppose~~,
Q How long after Christmas? A It was I suppose, about the month of January.
Q You say you came down the last time in January, '67?
A That is the time we moved, the last trip we made.
Q On which one of these trip did Rachel Whitmire accompany you?
A She come on the first trip and the last one.
Q Did any other women or children come with you on the first trip, besides Rachel Whitmire? A yes sir.
Q Name all the other women who came with you on the first trip?
A I do not know as I can name all of them, there is one by the name of Rachel Webber.
Q Who else? A I do not know as I can name them.
Q Who was her husband? A Rachel Webber's?
Q Yes? A She did not have a husband.
Q Did Sam Webber or Lewis Whitmire, or any of the crowd, bring their families with them on the first trip?
A No sir, I do not think those Whitmire's did.
Q Did any of your crowd bring their families with them on their first trip? A Not to my knowledge.
Q Was Rachel Whitmire's husband living? A She did not have no husband, she had a brother along.
Q Who was the father of this applicant, John Lasley?
A I do not know who it was, supposed to be Lake Lasley's brother; his name was Lasley, what his given name was I do not know; he got killed in the army.
Q Was Rachel Whitmire married to the father of this applicant, John Lasley? A That was my understanding, that this was her husband before the war.
Q This Lake Lasley's brother? A Yes sir.
Q You do not know whether they were married or not?
A I do not know whether they were married or not, but he was in the army and got killed during the war. -3-

Q Were you in the party that engaged in the Horse Creek fight?
A No sir.
Q Which of the Whitmire's came down with your party?
A Martin Whitmire and Lewis and Sam, and I do not know as I can call their names correctly.
Q Did Lewis Whitmire come down the first time at the same time this woman came, Rachel Whitmire? A I believe so, yes sir, but Rachel came in the wagon with her brother.
Q What was her brother's name? A Martin Whitmire.
Q Was this applicant, John Lasley, with his mother Rachel Whitmire, when she came down from Kansas to the Cherokee Nation? A Yes sir.
Q You say they came down, this applicant and his mother, came down in the summer of '66? A Yes sir.
Q What month was it? A August.
Q Where did they come to? A Big Creek.
Q In what nation? A Cherokee Nation.
Q How long did they live there? A They lived there all their lives; she died there.
Q How long did John Lasley stay there after he first come down?
A They continued there.
Q He has lived in the Cherokee Nation then continuously since he came down, in August '66? A They moved in the winter of '67. They taken claim in August, '66, and moved in the winter of '67, and have been there continuously since.
Q John Lasley was in the Cherokee Nation in August, '66?
A yes sir.
Q Did he come down with the intention of establishing his residence here? A His mother did.
Q When did they move their things here? A In the winter of '67.
Q About what month? A About January.

BY MR. DAVENPORT:

Q Reuben, where were you living when this applicant and his mother came back to the Cherokee Nation after the war?
A We lived right close together.
Q Where were you living when the war broke out?
A Down on Caney.
Q Where was the applicant and his mother living when the war broke out? A At Johnson Whitmire's
Q Where was that? A In Going Snake District.
Q That was something like a hundred miles from ~~you~~ where you was living, wasn't it? A No sir, I was living down about Tahlequah, on a little creek called Caney.
Q You have lived in the Cherokee Nation yourself since in '66, havn't you? A Yes sir.
Q There have been three different occasions in which the freedmen roll has been up for investigation of the freedmen rights since you came back, hasn't there? A I believe so.
Q You have never testified in either examination for these applicant have you? A No sir.
Q Now where did this applicant and his mother go when the war broke out? A They went to Fort Scott.
Q Did you go with them? A No sir.
Q How do you know where they went then? A We lived there.
Q Did you live in Fort Scott at the time they did? A Yes sir.
Q How far from Fort Scott did they live? A They lived on the west side of Fort Scott. I do not know it may have been three quarters of a mile.
Q Then you came back in the summer of '66, didn't you?
A Yes sir, and we taken claims.
Q Who came back to the Cherokee Nation with you Reuben, at the time you came with your family? A There was quite a number.
Q Can you name any of this number? A Rachel Whitmire and Mike Sanders.
Q Who else? A Sam Webber.

Q Who else, any more of the Whitmire's? A Martin Whitmire.
Q Was Dick Whitmire along? A No sir.
Q Aaron? A No sir, not in August.
Q Now, Reuben, I will ask you how long you have known Sam Webber, was he along? A Yes sir, he was along in August.
Q That is the time you say, In August you say, Rachel Whitmire this applicant, came? A Yes sir.
Q How long have you known Sam Webber? A Since about that time.
Q You know of your own personal knowledge that he has testified in from fifty to one hundred cases for the freedmen, don't you?
A I don't know.
Q I will ask you if it isn't a fact that in each instance he has testified positively that on that trip in August, '66, when they located claims, that no women folks come in their crowd and did not come until the fall and winter when they moved down?

(Objected to as immaterial and because the witness is not shown to have been present when SamWebber testified).

(Objection will be noted and witness will answer question).

A I do not know that he made that statement.
Q How many women-folks came in that crowd?
A I do not know as I can tell you all the women folks.
Q Can you tell me any of them besides Rachel?
A I can tell you the one that --
Q Is the time that you say Rachel Whitmire came in Sam Webber's wagon the time that you say Rachel Whitmire first came to the Cherokee Nation after the war? A Yes sir.
Q How old were you at that time, Reuben? A I was a good big boy.
Q About how old? A Must have been 15 or 16 years old.
Q This applicant is much younger than you, isn't he?
A Yes sir, he is younger than I am.
Q What sized boy were you when the war broke out?
A I was big enough boy to ride a horse and do some work.
Q Where was Peter Meigs when this applicant came down?
A Peter Meigs was in the crowd that come down in the winter of '66.
Q You mean the winter of '66? A In December.
Q What makes you remember that it was in December that you came down, Reuben? A I just don't know what makes me remember that it was in December. I just have an idea it was in December.
Q You don't know when Lewis Whitmire and Aaron Whitmire came, do you? A Yes sir, I know when Lewis came, he came with us in August, as near as I can recollect. Now Aaron did not come just at that time with us, he came to the nation alright in August.
Q How did you come to the nation the first time this applicant came? A In wagons.
Q Where did you cross the Neosho River? A We crossed above Chetopa Kansas.
Q Did you cross on the Military road? A No sir, not as I know of we didn't cross on no military road.
Q Did you cross a ferry? A No sir.
Q Did you see anybody along the line as you came down that you had ever known in this country, any Cherokee citizen?
A We seen W. P. Ross, the man that witnessed for me before the Chambers Court, we saw him.
Q Where was W. P. Ross going, did he tell you at the time you met him? A He talked to my father as near as I can recollect, he was coming back from Washington.
Q Coming from the Cherokee Nation and coming from Washington at the same time, and you met him? A He said he over taken us, and-
Q Who said it? A Mr. Ross, he passed us.

Q What took palce when Bill Ross overtook you, did he overtake you or meet you? A My impression is he overtook us and passed us.
Q We did one of the two, didn't he on this trip?
A Yes sir, he came to my father and talked with him.
Q Who else did you see along that time?
A I do not know who else.
Q Was this the first trip? A Yes sir, it was the first trip that he saw us.
Q That is not the time they brought old Chief John Ross back, was it? A These was living then that we seen we never seen any dead ones.
Q When you crossed the river above Chetopa, what road did you travel? A We come right across the prairie.
Q You said somthing about Horse Creek, I didn't understand?
A I did not see anyone at Horse Creek.
Q Where was it you met or saw Ross as you came down?
A It was over here somewhere not far from here.
Q With reference to Neosho River and Chetopa, Kansas, where was it you saw W. P. Ross? A We wasn't on the Neosho river where we saw him. Out on the prairie here this side of Chetopa, that is the route that comes through here from Ft. Scott, we crossed there below Chetopa on that little creek they call Russell Creek.
Q Did you see him in the Cherokee Nation or in the State of Kansas?
A In the Cherokee Nation.
Q How was he travellihg at the time? A As near as I can recollect he was in a buggy, something like a buggy.
Q Was he traveling upon a regularly traveled road or a by road through the country? A I do not know.
Q Is it not a fact that you met Bill Ross on the main traveled road between the town of Ft. Gibson, Indian Territory, and the city of Ft. Scott, Kansas, near the Neosho river?
A I do not think so.
Q Did you not meet him there in the early part of the winter of '68, at the time Rachel Whitmire and this applicant was in the crowd you were in, if you met him at all?
A I positively say it was not.
Q When you left Ft. Scott, Kansas, with the mother of the applicant, and the applicant, what road did you travel as you came back to the Cherokee Nation? A There was very few roads to travel.
Q When you got down to the Cherokee line?
A We came after we turned in by Pawnee from Ft. Scott, by a little town called Marmadon, that was west and south of Ft. Scott, as near as I can recollect.
Q Where, and at what point, did you strike the line of the Cherokee Nation? A We struck the line of the Cherokee Nation somewhere near this side of Chetopa, somewhere.
Q There was no Chetopa then, was there? A There was a postoffice where Chetopa is, or something of that kind; no sir, no town, very true.
Q Do you not know that it was a fact that all the Webber's claim that when they returned to the Cherokee Nation they came down the regular military road to the Neosho river and there crossed and went across the country to Snow Creek? A I do not know.
Q If they did testify to such is it a fact or not?
A I positively say it is not a fact.
Q They are mistaken then if they testified to such?
A If they come down the military road and then to Snow Creek, I do not understand it; I came with my father, Mike Sanders, I come with him.
Q You say Sam Whitmire and Samuel Webber was along?
A Yes sir, and a little Aaron Webber.
Q Do you know Lewis Whitmire, did you ever know him?
A Yes sir.
Q As I understand you, you say the applicant and the mother came with you in August, '66? A They came in a wagon with Martin.

Q Was Lewis Whitmire in that crowd? A I believe that he was.
Q I will ask you if this question was put to Lewis Whitmire and he answered as follows: "When did Rachel Whitmire and this applicant come back to the Cherokee Nation after the war? A In the fall of '66?" Is that correct or not?

(Objected to by attorney for applicant, because it is not shown that the witness was present when Lewis Whitmire testified, and he cannot state whether it was testified to or not).

(Commission: Objection will be noted and witness will answer the question).

A I do not know that to be correct.
Q Do you mean to say that you don't know whether she come in the summer or in the fall? A I am personally acquainted with Rachel----
Q I am not asking you about your acquaintance with Rachel, I am asking you whether you know if she came back in the summer or fall?
A She came with my father in '66.
Q That is the time you say she come in the crowd with Sam Webber?
A Yes sir.

BY MR. PARKER:

Q He assisted Rachel to make her improvements there?

(Objected to by attorney for the nation as immaterial and incompetent and have nothing to do with establishing citizenship).

(Commission: Objection will be noted and witness will answer the question).

A Her brother, Martin Whitmire. And his family is ~~xxx~~ on the 1880 roll. (Objected to as not responsive to the question, by the attorney for the Cherokee Nation).

COMMISSION:
Applicant, by his attorney, requests and is granted thirty days from this date in which to introduce additional testimony, provided he gives due notice to the Cherokee Nation of the time of taking of said testimony.

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above case and that the above and foregoing is a true and correct copy of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this 11th day of December, 1903.

Charles N. Sawyer
Notary Public.

7234

Vinita, Indian Territory, January ____, 1904.

Received of the Commission to the Five Civilized Tribes, one copy of the supplemental testimony taken December 10, 1903, in the matter of the application of John Lasley for enrollment as a Cherokee freedman.

C. Cherokee
Atty. for applicant.

FILED
APR 30 1904
COMMISSIONER TO FIVE TRIBES.

78849

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Vinita I. T. April 18, 1904.

In the matter of the application of John Lasley for enrollment as a Cherokee Freedman.

Cherokee F. D. # 849.

Brief in behalf of the Cherokee Nation.

There is but one question to be considered by the Commission in this case and that is whether or not the applicant, who was born a slave, returned to the Cherokee Nation within the time prescribed by the Treaty of 1866.

The testimony introduced in his behalf was that of Sam Webber and Lewis Whitmire.

Sam Webber testifies that the applicant John Lasley came to the Cherokee Nation some three or four weeks after he came with his familyxxx the last time.

It then became perinent to find out when Sam Webber actually returned to the Cherokee Nation the last time with his family and for that reason the testimony introduced by the Cherokee Nation in the case of Cherokee Freedman D 391 was introduced and made a part of the record in the case at bar.

But in order to save anxx extended argument reference is made to the decision of the Commission in the case of Daniel Whitmire F. D. 434 wherein the Commission had found: (Referring to certain Freedmen)

"They (Peter Meigs, and Samuel Webber et al) did not bring their families with them until a subsequent trip made in February or March 1867; hence it appears that the said Daniel Whitmire who came with said families did not return to the Cherokee Nation within six months after July 19, 1866."

The Commission reached this same conclusion in passing upon this same testimony in the case of Elizabeth Meigs F. D. 391.

Now then if the Commission has found in these two cases that Peter Meigs and Samuel Webber and the others who came along with their families

did not come in time clearly the applicant who came subsequent to that time did not come within the time prescribed by the treaty.

In addition to the above, the testimony in the case shows that ~~xxxxx~~ ~~xxxxxxxxxx~~ in 1896 the applicants only witness Peter Meigs testified that the applicant had been back to the Cherokee Nation at that time only about fifteen years and the Kern-Clifton Commission rejected him upon that testimony.

Peter Meigs was a witness introduced in his own behalf by the applicant and this testimony is introduced at this time for the purpose of discrediting the applicant and his other standing witnesses Samuel Webber and Lewis Whitmire.

We have argued at length in our general freedmen brief the relevancy of the testimony introduced in F. D. 818 and F D. 216 to which reference is made.

The Commission must have come to the conclusion that this is very material because of the decision heretofore rendered by the Commission in F. D. 391 and F. D. 434 which are based upon it.

Clearly this applicant should not be enrolled and we sub it that the testimony shows beyond a reasonable doubt that this applicant failed to comply with the treaty of 1866 and his application should now be denied

Respectfully submitted,

W W Hastings

Attorney for the Cherokee Nation.

Cherokee Freedmen D 849.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John Lasley as a Cherokee Freedman.

D E C I S I O N .

The record in this case shows that on June 25, 1901, John Lasley appeared before the Commission at Nowata, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, May 21 and May 31, 1902, and December 10, 1903. Copies of the testimony taken at various times in the case of Edward Wright, Cherokee Freedmen D 818, and Aaron Webber, Cherokee Freedmen D 216, are filed with and made a part of the record in this case.

The evidence shows that the applicant, John Lasley, was the slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of the Cherokee Nation during the rebellion but returned thereto and established his residence therein within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation.

The evidence further shows that the applicant has resided in the Cherokee Nation continuously since his return thereto at the time mentioned.

It is, therefore, the opinion of this Commission that John Lasley should be enrolled as a Cherokee Freedmen, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Commissioner.

Muskogee, Indian Territory,
this

FILED
SEP 16 1904
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE I. T. .

In the matter of the application for the enrollment of John Lasley as a Cherokee Freedman.

Cherokee F. D. ~~604~~

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered in this case on August 29th 1904 and asks that the same with all of the records in said case including the brief heretofore filed on part of the Cherokee Nation be forwarded to the Honorable Secretary of the Interior for Review.

In asmuch as attention was called to the testimony in our special brief and in as much as our general brief exhaustively treats of the testimony introduced in this case we submit the same without additional argument convinced however, that the applicant is not entitled to be enrolled as a freedmen citizen of the Cherokee Nation.

Respectfully,

Attorneys for the Cherokee Nation.

25349

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

D849

Muskogee, Indian Territory, November 9, 1903.

Edgar Smith,

Attorney for John Lasley,

Vinita, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 4, asking if the Commission's records show that you have been furnished with the testimony in Cherokee D 849, John Lasley. You state that you are unable to find this record in your office.

In reply you are advised that the Commission holds a receipt dated August 25, 1901, for the testimony in the above mentioned case. There is herewith enclosed another copy of the original testimony in this case, and you are advised that the record in the case includes the testimony in Cherokee Freedmen D 818, Edward Wright; also the testimony in the case of Aaron Webber, at Vinita, Indian Territory, on May 9, 1901, copies of which, no doubt, you already have in your office.

Respectfully,

Enc. D-7.

Commissioner in Charge.

Cherokee Freedmen
D-849.

Muskogee, Indian Territory, November 21, 1903.

John Lasley,

Lenapah, Indian Territory.

Dear Sir:

In accordance with the request of your attorney, Luman F. Parker, Jr., you will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, on Thursday, December 10, 1903, at nine o'clock A. M., and introduce further testimony in support of your application for enrollment as a Cherokee freedman.

Respectfully,

Chairman.

Cherokee Freedmen
D-849.

Muskogee, Indian Territory, November 21, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In Cherokee Freedmen D 849, John Lasley, you are hereby advised that the applicant has this day been notified that he will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, on Thursday, December 10, 1903, at nine o'clock A. M., for the purpose of introducing further testimony in support of his application for enrollment as a Cherokee freedman.

Respectfully,

Chairman.

Cherokee Freedmen
D-849.

Muskogee, Indian Territory, November 21, 1903.

Luman F. Parker, Jr.,
Attorney for John Lasley,
Vinita, Indian Territory.

Dear Sir:

In Cherokee Freedmen D 849, John Lasley, you are hereby advised that the applicant has this day been notified that he will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, on Thursday, December 10, 1903, at nine o'clock A. M., for the purpose of introducing further testimony in support of his application for enrollment as a Cherokee freedman.

Respectfully,

Chairman.

Cherokee Freedmen
D 849

Muskogee, Indian Territory, February 2, 1904.

L. F. Parker, Jr.,

Attorney for John Lasley,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of January 26th, inclosing receipt for testimony in Cherokee Freedmen D 849, John Lasley, and asking that you be given 20 days within which to file a brief in this case.

In reply you are advised that you will be given 20 days from date hereof in which to file with the Commission for transmission to the Secretary of the Interior your brief in the above entitled cause.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 849

Muskogee, Indian Territory, February 23, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed copy of brief and argument on behalf of the applicant in Cherokee Freedmen D 849, John Lasley, same having this day been submitted by the applicant's attorney, L. F. Parker, Jr.

Respectfully,

Encl. V-69.

Commissioner in Charge.

Cherokee Freedmen
D 849

Muskogee, Indian Territory, August 31, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the Commission's decision dated August 29, 1904, granting the application for the enrollment of John Lasley as a Cherokee freedman.

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Encl. V-52

Cherokee Freedman
D- 849.

Muskogee, Indian Territory, September 17, 1904.

Luman F. Parker, Jr.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 29, 1904, granting the application for the enrollment of John Lasley, as a Cherokee Freedman. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the nation.

The decision, with the record and proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. M-12.

Chairman.

Register.

Cherokee Freedman
D- 849.

Muskogee, Indian Territory, September 17, 1904.

Hastings, Bell and Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior for review, the record of proceedings had in the matter of the application of John Lasley, as a Cherokee Freedmen, together with the decision of the Commission, dated August 29, 1904, granting said application, and the protest of the Cherokee Nation against said decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Cherokee Freedman
D-849.

Muskogee, Indian Territory, September 17, 1904.

John Lasley,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 29, 1904, granting your application for the enrollment of yourself as a Cherokee Freedman. There has heretofore been furnished your attorney, Luman F. Parker, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished your attorney.

The decision, with the record and proceedings had in the matter, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enclosure M- 11.

Chairman.

Register.

Cherokee Freedman
D-849.

Muskogee, Indian Territory, September 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of John Lasley for enrollment as a Cherokee Freedman, including the Commission's decision dated August 29, 1904, granting said application, together with brief of both the applicant and the Cherokee Nation.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Chairman.

Through the

Commissioner of Indian Affairs.

Encl. M-13.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, November 19, 1904.

Refer in reply
to the following:
Land.
65370-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated September 17, 1904, transmitting the record of the application for enrollment as a Cherokee freedman by John Lasley.

August 29, 1904, the Commission decided favorably to the applicant.

The record shows that the applicant was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he was taken out of the Nation during the war and returned thereto and established a residence therein on or before February 11, 1867, and continued such residence up to the date of the record.

In view of the record the approval of the Commission's decision favorable to the applicant is recommended.

Very respectfully,

W. A. Jones

Commissioner.

M.M.M
W.

MOK.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following:
Land.
65370-1904.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, November 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated September 17, 1904, transmitting the record of the application for enrollment as a Cherokee freedman by John Lasley.

August 29, 1904, the Commission decided favorably to the applicant.

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In view of the record the approval of the Commission's decision favorable to the applicant is recommended.

Very respectfully,

W. A. Jones

Commissioner.

M.W.M
W.

MOK.

W. C. F.
J. P.
RJH

DEPARTMENT OF THE INTERIOR,

WASHINGTON. July 1, 1905.

D. C. 33360-1905.

I. T. D. 11866-1904.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of your communication of September 17, 1904, transmitting the record of proceedings in the matter of the application of John Lasley for enrollment as a Cherokee Freedman, including your decision of August 29, 1904, granting said application. The attorneys for the Cherokee Nation protest against your decision. The protest and argument of the attorneys have received due consideration.

Reporting in the matter November 19, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is herewith inclosed.

The Department concurs in the recommendation of the Commissioner, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock

Secretary.

1 inclosure.

MOK.

Freedman D-849.

Muskogee, Indian Territory, July 15, 1905.

John Lasley,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated August 29, 1904, granting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on July 1, 1905.

You are further advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

GHL

Commissioner.

Freedman D-849.

Muskogee, Indian Territory, July 15, 1905.

Luman F. Parker Jr.,
Attorney for John Lasley,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated August 29, 1904, granting the application for the enrollment of John Lasley as a Cherokee freedman, was affirmed by the Secretary of the Interior on July 1, 1905.

Respectfully,

Commissioner.

GHL

Freedman D-849.

Muskogee, Indian Territory, July 13, 1905.

Edgar Smith,

Attorney for John Lasley,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated August 29, 1904, granting the application for the enrollment of John Lasley as a Cherokee freedman, was affirmed by the Secretary of the Interior on July 1, 1905.

Respectfully,

GHL

Commissioner.

Freedman D-849.

Muskogee, Indian Territory, July 15, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated August 29, 1904, granting the application for the enrollment of John Lasley as a Cherokee freedman, was approved by the Secretary of the Interior on July 1, 1905.

Respectfully,

GHL

Commissioner.

REGISTRY RECEIPT.

Post Office at

Registered Letter/~~Parcel~~ No. 16 1900

of

addressed to

GIBSON, I.T.
SEP 21 1901

Hubbard Ross, P.M.

Cher Fr 1467

Cher Fr 1467

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

ADMIRAL D. G. JOHNSON

as a Cherokee Freedman.

CHEROKEE FREEDMEN R 326.

C. F. R. 326

FILED
MAR 9 1905
COMMISSION IS FILES.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 10, 1902.

In the matter of the application of Nancy Fairchild for the enrollment of herself and children as freedmen of the Cherokee Nation; she being sworn and examined by the Commission, testified as follows:

Q What is your name? A Nancy Fairchild.
Q How old are you? A 56.
Q What is your postoffice address? A Fort Gibson.
Q What district are you living in? A Over there on the river; I don't know what district.
Q Do you apply for enrollment as a Cherokee freedman? A Yes sir.
Q Do you want to apply for anyone besides yourself? A My daughter.
Q How old is she? A Seventeen.
Q What is her name? A Fannie Fairchild.
Q Is she living? A Yes sir.
Q Any other children? A John.
Q How old is he? A Twenty.
Q Is he living? A Yes sir.
Q The next child? A Admiral Dewey Johnson.
Q How old is he? A Two years old.
Q Is he living? A Yes sir.
Q Where were you born? A Near Peaviner.
Q Were you born in what state or territory? A In the Cherokee Nation.
Q Have you ever been recognized by the tribal authorities of the Cherokee Nation as a citizen? A On the Clifton Roll; I went before the Council and they did the admitting for me.
Q Did you ever draw any money? A No sir; the name I had put down is on the roll yet; it was Fannie Fairchild last year as Nancy Rogers. My oldest son is on there too.
Q Who is the father of Fannie and John? A John Fairchild.
Q Is he living? A He is dead.
Q He was a citizen? A Yes sir.
Q Who is the father of Admiral Dewey? A Taylor Johnson.
Q Is he living? A Yes sir.
Q Are you living with him? A No sir, but I Fannie's father. They got married, but never married; he told her, I never came up to the contract; they never married.

The tribal roll of the Cherokee nation was examined in the name of the applicant herein and testified thereon. The record of the Cherokee roll was examined and fail to disclose that the name of the applicant or her children were admitted or enrolled in the Cherokee nation by the tribal constituted authorities.

Q What was your father's name? A Joseph Rogers.
Q Is he living? A No sir.
Q What was he a Cherokee? A Yes sir, Cherokee and old settler.
Q Where were you living when the war broke out? A Close to Peaviner
Q Did you leave the Cherokee nation? A Yes sir, went to Texas.
Q When did you come back? A In the fall after peace.
Q Where have you been living since then? A I was in Gibson and Fort Smith working.
Q How long did you live in Fort Smith? A Off and on for four years working out; I had a home out there, lived at Muldrow a while.
Q You never drew any money from the Cherokee Nation? A No sir, my name was on the roll; the others identified me and I couldn't get him to come with me and I had the roll transferred; my oldest boy was found with his father's family and his money had been drawn.
Q You never drew any money for yourself or your children? A No sir.

2/ Nancy Fairchild et al.

Nancy Fairchild applies for the enrollment of herself, her two children, Fannie and John Fairchild, and her grandson, Admiral Dewey Johnson; neither the applicant nor any of her children are identified on any of the tribal rolls; her grandson is too young to be upon any roll; neither does it appear that the applicant or her children were ever admitted to citizenship in the Cherokee Nation by the tribal authorities. This application comes within the provisions of the temporary injunction recently granted by Judge Joseph Gill, Judge of the United States Court for the Northern District, Indian Territory, and under the provisions of said injunction this Commission has no authority to list the applicant for enrollment as a Cherokee freedman, nor has it the right to list her children or grandchild for enrollment; consequently, her application for the enrollment of herself, children and grandchild will be listed for rejection.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger.

Subscribed and sworn to before me this 24th day of May, 1902.

P. G. Reuter,
Notary Public.

----------Oo----------

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the above and foregoing copy from the original, and that the same is true and correct.

George H. Lessley

Subscribed and sworn to before me this 9th day of March, 1905.

Myron White
Notary Public.

FILED
MAY 6 - 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedman R 326

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., MAY 4, 1905.

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In the matter of the application for the enrollment of Admiral D. G. Johnson, as a Cherokee Freedman.

APPEARANCES:
Applicant appears by Attorney O'Hare , of Hart & O'Hare, Muskogee, Indian Territory.

Cherokee Nation by Jas. S. Davenport, of Bell, Hastings & Davenport.

:------:

FANNIE FAIRCHILD, being first duly sworn, testifies as foll ows:

EXA INATION BY CO MISSION:

Q What is your name? A. Fannie Fairchild.
Q How old are you? A. I am 21.
Q Are you married? A. Yes sir, been married.
Q What is your husband's name? A. Harris.
Q But your name now is Fannie Fairchild? A. Yes sir.
Q Is this applicant, Admiral D.G. Johnson , your child? A. Yes sir, he is my child.
Q Who is the father of that child? A. Seymour Johnson.
Q Is he a Cherokee Freedman? A. Yes sir.
Q Were you ever married to him? A. No sir.
Q When was this child born? A. September 25, 1899.
Q Did you ever live with Seymour Johnson as his wife? A. No sir
Q Did Seymour Johnson acknowledge this child as his child? A. Yes sir.
Q In what way did he acknowledge it? A. By supporting it.
Q Is Seymour Johnson married? A. Yes sir, he is married now.
Q Was he married at the time this child was born? A. No sir, about two years afterward.
Q Where were you living when this child was born? A. Fort Gibson
Q Is Seymour Johnson living now? A. Yes sir.

In the matter of the application for the enrollment of this child, Admiral D.G. Johnson, it will be necessary for you to furnish the Commission with proper proof of birth of said child

SEYMOUR JOHNSON being first duly sworn, testifies as follows:

BY COMMISSION:

Q What is your name? A. Seymour Johnson.
Q Are you a Cherokee Freedman? A. Yes sir
Q Do you know this woman here? A. Yes sir.
Q What is her name? A. Fannie Fairchild.
Q How old did you say you were? A. 35 last New Years.

Q Were you ever married to her? A. No sir.

BY MR. O'HARE:

Q How long have you known Fannie Fairchild? A. I have known her 15 or 16 years, or longer.
Q Are you the father of a child that was born to Fannie Fairchi ld?

DAVENPORT;
I object to that as being incompetent and immaterial.

Q In 1899, six years ago, did you know Fannie Fairchild? A. Yes sir.
Q Where were you living at that time? A. Five or six years ago--
--- five or six years ago I were living in Van Buren, Arkansas, lived there somewhere in the neighborhood of a year.
Q Do you remember where you were living in 1899? A. Let's see, ---Well, I was either living in Van Buren or Fort Gibson.
Q Do you remember where you were when this child Admiral Dewey G Johnson was born? A. Yes sir, when he was born I was in Van Buren.
Q Did you live in Fort Gibson before that? A. Yes sir.
Q Did you know Fannie Fairchild prior to that time? A. Yes sir.
Q Now, what were the facts as to you and she living together at that time? A. No sir, we wern't living together.

DAVENPORT:
I object to that, witness has stated that they were not married, and fails to show that they were living together as husband and wife.

Q Well, were you and Fannie Fairchild together a great deal when you lived in Fort Gibson? A. Yes sir.
Q And prior to the time you went to Van Buren? A. Yes sir, we was together a good deal.
Q You both lived in Fort Gibson? A. Yes sir.
Q Who was she living with? A. With her mother.
Q Who were you living with? A. With my mother.
Q What are the facts as to you being at her mother's house a good deal? A. Yes, I was there a good deal.
Q As a fact, you stayed there? A. No, I never stayed there.
Q Well what is the fact as to you keeping company with Fannie? A. Yes sir, we kept company together.
Q And what is the fact as to you recognizing the child born to her? A. Yes sir, I did.
Q What are the facts as to you contributing to the support of this child. A. I did, yes sir.
Q And you acknowledge him as your child? A. Yes sir.
Q You say you are a citizen of the Cherokee Nation? A. Yes sir.

BY MR. DAVENPORT:

Q You are a married man now? A. Yes sir.
Q Where is your home now? A. I live here in Muskogee,
Q How long have you been living in Muskogee? A. three or four years.

C. F. R 326 --#3

Q How long since you returned from Van Buren? A. It has been--- I don't know----three or four years, something like that, I suppose.
Q Were you ever married to Fannie Fairchild? A. No sir.
Q Did you ever live with her as your wife? A. No sir.
Q Did you ever represent to your neighbors and the people in your community where you lived, that she was your wife?A. No sir.
Q Your recognision of this child has sprung up since this question of allotments came up hasn't it? A. Oh, no sir.
Q You did not recognize it down at Van Buren? A. Oh, yes, I did.
Q You had never seen it, had you? A. I came up there and seen it
Q Now, Mr. Johnson, were there other men in Fort Gibson at that time, or were you the only man up there? A. Why, of course there was other men there.
Q They could visit Fannie's mother's house, the same as you could, couldn't they? A. Why,--yes, sir.
Q And could visit Fannie the same as you did? A. Why----I suppose so.
Q And other men did visit her at the same time you did? A. No, sir, not while I went with her.
Q Do you want to swear that no other man ever went with her for nine months prior to the birth of this child--you swear that? A. I couldn't swear no other man ever went there of course. I didn't see them.
Q You say you are a citizen of the Cherokee Nation? A. Yes sir.
Q Are you on a straight card? A. Oh yes, sir.

BY MR. O'HARE:

Q Were you married at the time this child was born?

DAVENPORT:
I object to that as being incompetent.

The witness is identified on Cherokee Freedman card 848 and also at No. 2041 on the final roll.

COMMISSION:

Q How much did you contribute towards the support of this child? A. I could not tell the exact amount,; it seemed to me at the time like a great deal.
Q Fifty Dollars? A. More than that, I presume it was more than that.

MR. DAVENPORT:

Q State how much? A. I couldn't tell you sir, I didn't keep any account.
Q How long since you contributed to its support? A. It has been quite a while now.
Q Six or seven years now? A. I couldn't tell the last time, but not near that long.
Q Have you supported this child at all since you were married? A. Since I married---let me see--- I disremember whether I give it anything since or not.

C. F. R. 326--#4

COMMISSION:

Q Did you ever tell your wife you had this child by another woman?
A. Yes sir.
Q She knows about this child? A. Yes sir.
Q Did you tell her yourself? A. She found it out and asked me and I told her about it.

The attorneys will be allowed until June 1, 1905, to file briefs in this case.

Lucy M. Bowman being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the proceedings had in the above entitled cause on the first above mentioned date, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Lucy M Bowman

Subscribed and sworn to before me this 5" day of May, 1905.

Notary Public.

C. 7 R 326

20

IN RE

Application for Enrollment of

INFANT CHILD

Admiral D. J. Johnson

as a citizen of

Cherokee Nation

Approved May 4th 1905

Commissioner

Application made for the child May 15th 1902

FILED
MAY - 4 1905
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Admiral D. G. Johnson (Here insert name of child.), born on the 25th day of September, 1899

Name of Father: Seymour Johnson a citizen of the Cherokee Nation.

Name of Mother: Fannie Fairchild a citizen of the Cherokee Nation.

Postoffice Fort Gibson - I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT

I, Fannie Fairchild, on oath state that I am 21 years of age and a ~~citizen by~~ Freedman, of the Cherokee Nation; that I am the ~~lawful~~ common law wife of Seymour Johnson, who is a citizen, by ..., of the Nation; that a male (Male or Female.) child was born to me on 25th day of September, 1899, that said child has been named Admiral D. G. Johnson, and is now living.

Fannie Fairchild

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 4 day of May, 1905.

W. S. Hawkins
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Nancy Fairchild, a ..., on oath state that I attended on ~~Mrs.~~ Fannie Fairchild, wife of ——, on the 25th day of September, 1899, that there was born to her on said date a male (Male or Female.) child; that said child is now living and is said to have been named Admiral D. G. Fairchild

her
Nancy Fairchild
mark

WITNESSES TO MARK:

(Must be Two Witnesses.)
S. V. O'Hara
J. M. Baker

Subscribed and sworn to before me this 4th day of May, 1905.

W. S. Hawkins
Notary Public.

Cherokee Freedman R 32

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Admiral D. G. Johnson as a Cherokee Freedman.

--:--

D E C I S I O N.

IT APPEARS FROM THE RECORD HEREIN: That, on May 10, 1902, Nancy Fairchild appeared before this Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her two minor children, John and Fannie Fairchild, and her minor grandchild, Admiral D. G. Johnson, as Cherokee Freedmen. The applications for the enrollment of Nancy Fairchild, John Fairchild and Fannie Fairchild, being differently classified, are not included in this decision. Additional proceedings in the matter of the application for the enrollment of Admiral D. G. Johnson were had at Muskogee, Indian Territory, on May 4, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That Admiral D. G. Johnson is the illegitimate child of Fannie Fairchild and Seymour Johnson, whose name appears as No. 2041 upon the list prepared by this Commission of persons entitled to enrollment as Cherokee freedmen, and approved by the Secretary of the Interior on January 16, 1906, and has resided continuously in the Cherokee Nation from the date of his birth up to and including September 1, 1902.

IT IS THEREFORE, THE OPINION OF THE COMMISSION: That Admiral D. G. Johnson should be enrolled as a Cherokee Freedman in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

C. R. Breckinridge

Commissioner

Muskogee, Indian Territory,
JUN 28 1905

Cherokee Freedman
R-326.

Muskogee, Indian Territory, July 18, 1905.

Nancy Fairchild,

Fort Gibson, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, granting the application for the enrollment of your grand-child, Admiral R. G. Johnson, as a Cherokee freedman.

You are advised that no application for an allotment selection for said child will be received until his name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

(SIGNED) Tams Bixby
Commissioner.

Incl. L-70.

GHL

COPY.

Cherokee Freedman
R-326.

Muskogee, Indian Territory, July 18, 1905.

James Hart,

Attorney for Nancy Fairchild,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, granting the application for the enrollment of Admiral B. G. Johnson as a Cherokee freedman.

Respectfully,

(SIGNED) Tams Bixby.
Commissioner.

Incl. L-71.

GHL

COPY.

c3

Cher Fr 1468

Cher Fr 1468

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a Cherokee Freedman of:

John Sanders ------ Cherokee Freedman-D-118.

-----000-----

Departmentof the Interior,
Commission to the Five Civilzed Tribes,
Ft. Gibson, I.T., April 19,1901.

In the matter of the application of John Sanders for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Breckinridge, he testified as follows:

Q Give me your full name? A John Sanders.
Q How old areyou? A I am about 42 or 3.
Q What is your post-office? A Vian.
Q In what distroct do you live? A Illinois.
Q You want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life.
Q You were born here and lived here all the time? A Yes sir.
Q Give me the name of your father? A Burgess Williams.
Q Is your father dead? A Yes sir.
Q How long hasyour father been dead? A I don't know sir. He has been dead I guess 10 or 18 or 20 years
Q Give me the name of your mother? A ~~Fan~~ Fannie Cornice, on the roll; Fannie Sanders.
Q Her proper name is Fannie Sanders? A Yes sir.
Q How did she happen to go by the name of Cornice? A She married a man named Cornice.
Q How did she get the name of Sanders? A She belonged to a man named Sanders.
Q Where did he live? A In Flint district.
Q Is your mother dead? A Yes sir.
Q How long has she been dead? A Six or seven or eight years some where along there.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's name not identified thereon;
1880 authenticated roll of citizens of the Cherokee Nation examined, and applicant's mother identified thereon as follows: page 741 #329 Fanny Cornice, Tahlequah District.

Q Did you ever go by any other name than Sanders? A No sir.
Q Why are you not on the roll of 1880? A I don't know.
Q You were a grown man at that time, you remember when they were making that roll? A Yes sir.
Q You remember giving in your name? A No, I didn't give in My name.
Q Where were you at that time? A I was working.
Q Where were you working? A In Kansas.
Q How much of your time did you spend in Kansas? A Only through the spring and summer seasons.
Q What were you doing up there? A I mined there in the lead and zinc mines.
Q What time did you first begin going out to Kansas? A I went to Kansas along in '78 or 9, along there when I was a boy.
Q How much of your time have you put in working up there? A I don't know, sometimes I would put in three or four months out of the year, some times six months, all the seasons that I could work.
Q How many years have you kept that up? A I have kept it up all my life, I make my living there.
Q Have you never married? A No sir.
Q Never married in Kansas? A No sir
Q That's your business is it, mining? A That was, yes sir, at that time; I am farming now.

Q When did you begin farming? A I commenced four or five years ago
Q Did you vote up there in Kansas when elections came around? A No sir.
Q Never voted at all? A No sir, ~~never voted~~
Q Never voted in the Territory? A Yes sir, I have voted down here.
Q You have voted down here have you? A Yes, I have voted down here.
Q How many times, often or once or twice? A Oh I have voted several times.
Q Do you say you have never voted at all in Kansas? A No sir, I never voted in Kansas.
Q You work any in Missouri? A Yes sir.
Q Ever work in Arkansas? A No sir I have been in Arkansas.
Ever vote in Missouri? A No sir.
Q Ever voted outside the Indian Territory? A No sir.
Q Ever voted outside the Cherokee Nation? A No sir
Q What were you doing in Missouri, mining? A I mined some in Missouri and worked some on buildings.
Q What were you doing in Arkansas? A I went down through there just to be doing; I never worked any in Arkansas.

1896 census roll of citizens of the Cherokee Nationexamined and applicant not identified thereon.

Q Did you draw Cherokee Strip money? AYes sir.
Q You applied then to be put on the Kerns-Clifton roll? A(No answer)

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows: page 132 #3276 John Sanders, Tahlequah District.

Q Where are you farming now? A Down at Vian.
Q What kind of crops are you making? A Cotton and corn.
Q How long have you been keeping that up? A I have been farming four or five years.
Q Do you rent land or have you got land of your own? A I have got land of my own.
Q How many acres are you cultivating? A About 25 acres.
Q Have you got anybody to help you? A Yes, I have a hand, field hand.

Examined by Cherokee Representative, W.WHastings:

Q With whom did you live just before the war? A I lived here in the Territory.
Q Where? A Right down here ~~xx Mx~~.under the hill back of the garrison.
Q When did you go out of here the first timeAfter the war? A I don't know, it was about '67 or '68; no, in about '70; I was a good big boy when I went out.
Q About how old were you? A I don't know; I must have been 18 or 20.
Q Now how long have you been back here permanently? A Well I have been here about six or seven years now farming.
Q Just a little while before you applied to the Kerns-Clifton commission? A That was before I went to farming, while I was in here, but I didn't stay.
Q In between '77 or '78 and when you came back here in ' 95 or '96 now where were you at that time? A I couldn't say, I was in different places.
Q You were principally in Kansas? A Part of the time.

John Sander s 3

Q Most of the time? A Working, time; I was working, seasons of the year.
Q You never have been married? A No sir.
Q Now during that time from '77 or any time prior to 95 or 6 when you came back the last time, and after you were grown and responsible for your own actions, with whom did you live here in the Territory, after '77 or 8, after you first went out, who did you ever make your home with down here? A I staid up on Big Creek with old man Andy Daugherty; he was my uncle.
Q Did you ever make a crop there? A Yes sir, I helped him some.
Q How many years? A I didn't keep no trace of the years; I would help him when I come in; I made that my home.
Q Just kind of come in and out to his place? A Yes sir.

Commissioner Breckinridge, examines witness:

Q How many crops have you made in the Cherokee Nation since you went out in '78 or 9? A I have made three or four or five crops.
Q That is in the last three or four or five years? A Yes sir, since I went to farming.
Q You never made any crop before that? A No sir, I never did any farming for myself.
Q The only work you did was mining and such as that? A Yes sir.
Q You had no steady occupation inside of the Territory? A No sir
Q What work would you do besides mining; helped hou se building you say? A Yes sir, I carried brick and mud on public buildings.
Q What you mean by public buildings, worked on houses and for contractors? A Yes sir.

Com'r Breckinridge: The applicant states that he has lived in the Cherokee Nation all his life, but is develops that he left the Cherokee Nation when he was some 18 or 19 years of age, and that his principal life and occupation was outside of the Cherokee Nation until the last four or five years; his mother is identified on the roll of 1880, but is said to have been dead six or eight years; the applicant is not identified on the 1880 roll, or upon the 1896 roll; he is identified upon the Kerns-Clifton roll; it appears that he may have abjured his citizenship by the duration and character of his residence outside of the Indian Territory; for the further consideration of this matter, he will now be listed as a Cherokee Freedman upon a doubtful card, and the final decision of the Commission will be made known to him at his post-office address.

------*******------

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this April 20 1901.

C R Breckinridge

Commissioner.

DEPARTMENT OF THE [illegible]

COMMISSION TO THE FIVE C[illegible] TRIBES.

[illegible]

Apr[illegible] 20, 190[illegible]

[illegible] CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date April 19 1901

Post Office Vian

District I T.

1. Name John Sanders Age 42

Citizenship

Owner's name

Year K. C. Page 132 No. 327C District Tahlequah

Parents:

Father Burgo Williams dead Citizenship

Mother Fanine Sanders " Citizenship

2. Name of wife Age

Citizenship

Owners name

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

		Year	Page	No.	Dist.
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

Application made by No 1 Stenographer Fred. Green

~~No 1 on the Roll~~

~~Footed Dec 1896 on page~~ No.

F. D. 118

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on Arthur Sanders

by delivering a true copy thereof on the 23 day of June A. D. 1902

Given under my hand this 23 day of June A. D. 1902

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the day of , 190 .

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to Arthur Sanders on the 23 day of June A. D. 190 W. J. Moore.

Subscribed and sworn to before me this [illegible] Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 24 1902

NOTICE!

IN THE MATTER OF the application of [illegible] Sides
for enrollment as Cherokee Freedmen:
Case No. F. D. [illegible]
To [illegible]

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of [illegible]
Indian Territory, on [illegible] at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible]

[illegible]

M. J. Higgins
Jas. S. Davenport

Attorneys for the Cherokee Nation.

Cherokee Freedmen D-118.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., NOVEMBER, 18, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of John Sanders as a Cherokee Freedman.

On October 13, 1904, the applicant was notified by registered mail, and on October 25, the attorneys for the Cherokee Nation were notified by letter, that the application of John Sanders for enrollment as a Cherokee Freedman, would be taken up by the Commission to the Five Civilized Tribes at its offices in Muskogee, Indian Territory, on the 18th day of November, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration.

Now on this 18th day of November, 1904, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-

H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 18th day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceeding on said date.

H M Vance

Subscribed and sworn to before me this 15 day of December, 1904

Charles J. Turner
Notary Public.

FILED
MAR 25 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedman-D-118.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 20, 1905.

In the matter of the application for the enrollment of John Sanders as a Cherokee Freedman.

COMMISSION.

Cherokee Nation represented by W. W. Hastings.

John Sanders, being duly sworn, testified as follows:

COMMISSION:

Q. What is your name? A. John Sanders.
Q. Are you the applicant in this case? A. Yes sir.
Q. You have made application here as a Cherokee Freedman? A. Yes sir.
Q. What is your post office address? A. Melvin.
Q. You were born in the Cherokee Nation? A. Yes sir.
Q. When did you first go out of the Cherokee Nation? A. When I first commenced to drift around was in '75 or '76.
Q. Was your mother living at that time? A. Yes sir.
Q. Where did you go to? A. Up in the north part of the Territory and Kansas.
Q. How long did you stay in Kansas? A. Through the summer season.
Q. How many summer seasons? A. Several. I was doing public work.
Q. Did you make a home up there? A. No sir.
Q. Did you come back to the Nation every winter? A. Yes sir.
Q. Where did you stop? A. On Boggy Depot road, with my uncle, Andy Daugherty, and on Big Creek.
Q. Did you ever live out only those summers? A. No sir.
Q. Where was your home? A. On Boggy Depot road. I was making my home with my uncle Andy Daugherty then, though.
Q. Were you ever married? A. No sir.

MR. HASTINGS:

Q. Tell them why you got out of here? A. I got into some trouble over a yearling, and left the country.
Q. You went to Kansas? A. Yes sir.
Q. And you stayed up there about how many years before you came back? A. I didn't stay any year without coming back.
Q. You used to live at Melvin and Pahlequah? A. Yes sir.
Q. How long before you came back down there? A. 15 or 20 years.
Q. Most of that time you spent in Kansas? A. Yes sir, because I followed public work.
Q. What towns in Kansas did you work in? A. I worked in Parsons, Wichita, and Kansas City.

Q. When did you come back from Kansas the last time? A. What year was it they took the census?
Q. '96? A. I come back in the neighborhood here about '94--- over there where I was raised.
Q. And you left there about '75? A. Yes sir, '75 or '76.

COMMISSION:

Q. You were away about 20 years then? A. Yes sir, I don't know just exactly. I didn't keep any account of it.
Q. You did not have any improvements in the Cherokee Nation? A. Only with my family, I had some stock.
Q. Did you own the stock when you went away? A. Yes sir.
Q. What became of it? A. My mother and stepfather kept it.
Q. Your mother is dead? A. Yes sir.

MR. MASTINS:

Q. Your mother was dead when you came back? A. Yes sir.
Q. And the stock was already dead? A. Yes sir. Some of the increase was around there
Q. You never got any benefit from that stock? A. No sir.

WITNESS EXCUSED.

Bob Sanders, being duly sworn, testified as follows:

COMMISSION:

Q. What is your name? A. Bob Sanders.
Q. Are you a Cherokee Freedman? A. Yes sir.
Q. What is your post office address? A. Vera[illegible].
Q. Do you know this man, John Sanders? A. Yes sir.
Q. What do you know about his running away to Kansas? A. I don't know nothing about his running away. I didn't pay no attention when he went off.
Q. You knew he was scouting, didn't you? A. Yes sir.
Q. After he first went away how long until you saw him? A. It must have been four or five years. You see, I never did go no wheres, and lots of the time he was in the north part of the county, but I never saw him.
Q. In the last 20 years how much of the time has he lived in the Cherokee Nation that you know of? A. I don't know. He has been here a good deal: We were not in it together.
Q. How long was he away, out of the Cherokee Nation, that you know of? A. I declare, I couldn't tell you.
Q. About 10 or 20 years? A. I don't know. I don't know where he was --- whether he was out or in the Nation.
Q. Do you know when the last payment was made? A. No sir.
Q. How long before that was it that you saw him? A. About a year.

WITNESS EXCUSED.

Lewis Sanders, being duly sworn, testified as follows:

COMMISSION:

Q. What is your name? A. Lewis Sanders.
Q. What is your post office? A. Melvin.
Q. What relation are you to John Sanders? A. A cousin.

Q. Are you a brother of the last witness? A. Yes sir.
Q. Do you know the applicant in this case? A. Yes sir.
Q. How long have you known him? A. I have been knowing him all my times.
Q. What do you know about his going away from the Cherokee Nation? A. All I know is just what I have heard. When he first left here I heard that he got into trouble.
Q. Did you know him before he got into trouble? A. Yes sir.
Q. Did he use to live in your neighborhood? A. Yes sir, he lived on Four Mile Branch.
Q. How long was he gone out of your neighborhood? A. I don't know. I guess about 18 or 20 years.
Q. You do not know where he was during that time? A. No sir, not till he come back in. Sometimes I heard from him.
Q. Did you ever get a letter from him? A. His folks did.
Q. Did you see the letters? A. I couldn't read then.
Q. Do you know that for the last ten years he has been living in the Cherokee Nation? A. Yes sir, I think so.

WITNESS EXCUSED.

John Sanders recalled.

MR. [illegible]:

Q. Were you indicted? A. I don't know whether I was or not. I didn't wait to see. I got scared and lit out.
Q. What made you come back? A. I wanted to come back home.
Q. What did you do before you ran away? A. I farmed.
Q. What made you run away? A. I got into a little trouble.
Q. What kind of trouble? A. A yearling.

CROSS-EXAMINATION:

Q. During these 20 years did you ever stay any length of time in the Cherokee Nation? A. I stayed during the falls and winters.
Q. Is there anybody here that knows it? A. Nobody here.
Q. Can you find anybody that knows it? A. I guess I can go into the upper country and get somebody to prove it.

(The case will be held open until the 6th. of April, 1905 at 9:00 o'clock A.M., and if you are not here with your witnesses the case will be closed.

WITNESS EXCUSED.

Nula Jennes Parker, [illegible], states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the above entitled cause on the [illegible] day of March, 1905, and that the above and foregoing is a full and complete transcript of her notes taken in said cause on said date.

[illegible]

Subscribed and sworn to before me this the 24th. day of March, 1905.

[illegible]
Notary Public.

FILED
APR 12 19[illegible]
COMMISSION TO FIVE TRIBES.

Cherokee Freedman-I-118.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, April 6, 1905.

In the matter of the application for the enrollment of John Sanders as a Cherokee Freedman.

[illegible] case having been continued to this day, by stipulation [illegible], from March 20, 1905, [illegible] appears by his attorney, [illegible] Fulger.

The Cherokee Nation [illegible] W. W. Hastings.

[illegible] and [illegible], [illegible] further continued to April 25, 1905, at 1:00 o'clock P.M.

[illegible] Commissioner, [illegible], [illegible], as stenographer to [illegible] Commission to the Five Civilized Tribes, do report the proceedings had in the above [illegible] on the [illegible] April, 1905, and that the above [illegible] is the record of the proceedings [illegible] said [illegible].

[illegible]

Subscribed and sworn to before me this the 11th day of April, 1905.

Melvin Hunter
[illegible] etc.

FILED
APR 24 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedman-D-118.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, April 20, 1905.

In the matter of the application for the enrollment of John Sanders as a Cherokee Freedman.

By consent and agreement the above entitled cause is continued to May 11, 1905 at 9:00 o'clock A.M.

--- ---

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes she recorded the proceedings had in the above entitled cause on the 20th day of April, 1905, and that the above is a full and complete record of said proceedings had on said date.

Subscribed and sworn to before me this the 22nd. day of April, 1905.

Myron White
Notary Public.

MAY

Cherokee Freedman-D-113.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, May 11, 1905.

In the matter of the application for the enrollment of John Sanders as a Cherokee Freedman.

Applicant represented by Blue & Palmer.

Cherokee Nation represented by W. W. Hastings.

C O M M I S S I O N.

John J. Rose, being duly sworn, testified as follows:

MR. BLUE:

Q. What is your name? A. John J. Rose.
Q. What is your post office? A. Tahlequah.
Q. How old are you? A. 26 years old.
Q. Do you know John Sanders? A. Yes sir, I know a man they call John Sanders.
Q. When and where did you first become acquainted with him? A. The first time I met him to know him was on Big Creek in Goweescoowee District, at Dan Sanders'.
Q. When was that? A. To the best of my recollection, it was about '76. It was a year or two before they extended the Frisco railroad to Tulsa.
Q. After you met him that time did you meet him afterwards? A. Yes sir, I saw him, I think it was, the next year at Gooseneck.
Q. Did you meet him after that again? A. I met him just before they started the road out from Vinita --- about two or three years from the time I first met him till I saw him in Vinita.
Q. In what Nation and Territory was it that you met him at these different times? A. In the Cherokee Nation.
Q. Have you known him since that time? A. About 3 or 4 months after I met him in Vinita he worked for Ike Rogers, making the Frisco road bed. Ike hired him and kept him until all of the timber was cut off of the right-of-way. In May of '82 or '83 he went down to Webber's place, and in the winter, just before Christmas, him and Webber passed through there on the way to Coffeyville with some furs and hides and deer meat. Then I did not see John any more for probably 2 years after that time, and then I met him on Big Creek at Dan Sanders'.
Q. That was in the Cherokee Nation, was it? A. Yes sir. Then I didn't see John after that time for several years. The next time I met him was at Vian -- no, I saw him at the Kerns-Clifton payment at Hayden, and then again at Gibson when they made that roll, and then I didn't see him any more until the Dawes Com-

mission commenced work, and he was there.

Q. How long ago was that? A. 5 or 6 years.

Q. Have you known him since that time? A. I have met him several times.

Q. Where has his home been since the time you have known him? A. I have never known of him having a home of his own except at Vian. I heard of him having a home at 14 Mile Creek.

Q. About how old was John when you first knew him? A. He is a hard fellow to guess at, but he didn't look to be over --- the first time I knew him he was just a gosling of a boy. I guess he would weigh about 140 pounds. I am satisfied he would not go over 20 -- that would be my guess.

Q. Do you know where John Sanders stays now? A. I see him at Melvin, and he claims to live there.

Q. How long have you resided in the Cherokee country? A. I have been in the Cherokee country continuously since '73.

Q. Are you on the roll regularly? A. No sir. I am a citizen of the United States -- an intermarried citizen.

Q. You have no application except as an intermarried citizen? A. I did have, but it is rejected.

Q. You say you have been here in the Cherokee country since what time? A. '73.

Q. Have you had a residence or home anywhere else during that time? A. No sir.

Q. Did you know John Sanders' father? A. No sir. All I know about John Sanders' relation was -- Andy Sanders claimed to be John Sanders' uncle.

Q. Do you know Tuck Sanders? A. Yes sir, I soldiered with him.

Q. Was it at Tuck's place where you met the applicant first? A. Yes sir, right at Tuck's place.

WITNESS EXCUSED.

J. . Yeges, being duly sworn, testified as follows:

MR. BLUE:

Q. What is your name? A. J. . Yeges.

Q. You are a Cherokee citizen, I believe? A. Yes sir.

Q. Do you know this young man, John Sanders, who is an applicant in C.F.D. 118? A. Yes sir.

Q. How long have you known him, Judge? A. I have seen him since I was intimately, and I have saw him before that time.

Q. Do you know his mother? A. Yes sir.

Q. What was her name? A. His reputed mother is Tabbie Cornish.

Q. Is she on the roll? A. I think she is.

Q. Do you know under what name she is enrolled? A. I think it is Mary Cornish.

Q. Do you know in what District she was enrolled? A. Tahlequah.

Q. Do you have any doubt in your mind? A. Yes sir.

Q. Do you know where he has resided since 1898? A. No, I have been in around the Cherokee camps, but I don't know as to his residence.

Q. Have you ever been outside of the Cherokee Nation since you have known him? A. No sir.

WITNESS EXCUSED.

Cornelius McNair, being duly sworn, testified as follows:

MR. Blue:

Q. What is your name? A. Columbus McNair.
Q. Do you know John Sanders, this man who is an applicant on C.F.D. 118? A. Yes sir.
Q. How long have you known him? A. I don't know -- a good long while.
Q. About how long? A. I have known him ever since the war.
Q. Where? A. At Fort Gibson.
Q. Do you know where he has resided since the war? A. Not all the time.
Q. During the time you knew him where was he living? A. On 14 Mile Creek.
Q. In the Cherokee Nation? A. Yes sir.
Q. Could you go back and fix a date when you first knew him? A. No, I couldn't. I know I met him at Fort Gibson.
Q. Since that time where have you seen him in the Cherokee country? A. Around Fort Gibson and around there.
Q. Do you know where he lives now? A. He says he lives on 14 Mile Creek.
Q. Do you know his people? A. I know his mother.
Q. Do you know to who she belonged before the war? A. No sir, I never got acquainted with her until after the war.

MR. HASTINGS:

Q. For how long a period was it after the war that you never saw John? A. I just couldn't say how long.
Q. What length of time elapsed that you didn't see him? A. I couldn't tell.
Q. Your best judgment? A. I don't recollect how long it had been. I just couldn't say how long it was.

WITNESS EXCUSED.

John Sanders recalled for cross examination by Commission.

Q. Are you the applicant in this case? A. Yes sir.
Q. Were you ever married? A. No sir.
Q. Did you ever live with any woman at all? A. I never was married.
Q. You know what I asked you -- did you ever live with a woman? A. Not to say to keep house.
Q. How long did you stay with that woman? A. I don't know.
Q. Did you ever stay with any woman that was keeping house for herself? A. I never lived with no woman as a wife?
Q. About how long did you stay with her? A. I never stayed with her at all.

MR. BLUE:

Q. Now John, tell us the whole thing. If you lived with any woman, or stayed with her, tell us about it? A. I have been with women, but never lived with them as a wife.
Q. Did you ever live with a woman who kept a house of her own, and you stayed there with her as her husband? A. No sir.
Q. You have testified before in this matter, haven't you? A. Yes sir, and have always testified that I wasn't married.
Q. What kin are you to Tuck Sanders? A. None.

COMMISSION:

Q. You are now about 45 years old? A. Yes sir, some older .

Q. In that time, how much of the time have you spent out of the Nation? A. Not much. I would be out and in.
Q. Have you spent half of the time away? A. No sir, I never stayed out no full year. I was usually back here in the summer. I would be out during the winter doing public work.
Q. But you might have stayed 11 months? A. No sir, I didn't.
Q. Where was your home in the Nation? A. I stayed at several places.
Q. Have you had a home anywhere here in the last 25 years? A. I always called it home where my folks lived. I didn't have no house nor keep house myself.
Q. How long has your mother been dead? A. I guess 10 or 12 Years.
Q. Have you kept house since then? A. No sir, I am not keeping house till yet.
Q. Who are you stopping with? A. With Lewis Sanders.

MR. BLUE:

Q. While your mother was living, and you were outside, where would you return when you came back? A. To my mother's home.
Q. Did you ever have a residence any place else than in the Cherokee Nation? A. No sir.

MR. HASTINGS:

Q. The truth of the business is that wherever your hat was was home, wasn't it? A. Yes sir, I was rambling around.

WITNESS EXCUSED.

CASE SUBMITTED.

Eula James Harrison, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 11th. day of May, 1905, and that the above and foregoing is a full and complete transcript of the stenographic notes taken in said cause on said date.

Eula James Harrison

Subscribed and sworn to before me this [illegible] day of May, 1905.

H. Campbell
Notary Public.

FILED
MAY 1 8 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedman-1- 116.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, May 18, 1905.

In the matter of the application for the enrollment of John Sanders as a Cherokee Freedman.

On this, the 18th. day of May, 1905, the applicant, John Sanders, was recalled by the Commission for further examination touching his right to enrollment as a Cherokee freedman.

Cherokee Nation represented by J. . Keeler.

COMMISSION.

John Sanders, being duly sworn, testified as follows:

COMMISSION:

Q. Your name is John Sanders? A. Yes sir.
Q. What is your mother's name? A. Fanny Cornish.
Q. Was she a slave? A. Yes sir.
Q. To who did she belong? A. Nick Sanders.
Q. Were you born in slavery? A. Yes sir.
Q. Were you born before or after the war commenced? A. Before.
Q. To whom did you belong? A. Nick Sanders.
Q. Was Nick Sanders a Cherokee Indian? A. Yes sir.
Q. Were you living in the Cherokee Nation during the war? A. Yes sir.
Q. Did you continue to live with her till [illegible] 20 years old? A. Yes sir.
Q. Did you go out of the Nation during the war? A. Yes sir.
Q. Did you come back before the war closed? A. The latter it closed.
Q. Did you come back before the treaty of 1866? A. Yes sir, we were in here in 1865.
Q. You came back with your mother? A. Yes sir.
Q. Did Nick Sanders live in the Cherokee Nation during the war? A. Yes sir.

WITNESS EXCUSED.

Eula Jeanes Harrison, being duly sworn, states that she took down the proceedings in the above entitled case on the 18th. day of May, 1905, and that the same is a correct transcript of her notes taken in said cause.

Eula Jeanes Harrison

Subscribed and sworn to before me this 18th. day of May, 1905.

[illegible]
Notary Public.

Cherokee [illegible] -11.

DEPARTMENT OF [illegible],
COMMISSIONER OF [illegible] AFFAIRS.

In the matter of the application for the enrollment of John Sanders as a Cherokee freedman.

D E C I S I O N.

[illegible] it appears from the record herein that on April 19, 1901 [illegible] from the Commission, [illegible] application [illegible] enrollment [illegible] Cherokee [illegible]. Application was [illegible] in the matter of said application [illegible] September 14, 1904, [illegible] 1905, [illegible] 11, 1905, [illegible] 1905.

[illegible] that John Sanders, [illegible] citizen of the Cherokee [illegible] of [illegible] Nation, [illegible] Act of [illegible] Commission, [illegible] Act of Congress [illegible] Cherokee [illegible] objected [illegible] No. [illegible] Act [illegible] 3, [illegible] 2, etc. U.S. [illegible] freedmen [illegible].

It further appears that [illegible] was [illegible] [illegible] 1902, [illegible] 1903, [illegible] 1904, [illegible] 1905, [illegible] 1905, [illegible] 1905

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. John Sanders,
Vian, I.T.
Cherokee F-D-118
Register.

(COPY)

Cherokee Freedman
D-118.

Muskogee, Indian Territory, October 17, 1903.

John Sanders,

Vian, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before a decision can be prepared in your case, further testimony is required tending to show whether or not you were the slave of a Cherokee citizen at the commencement of the war of the rebellion, and returned to and were residing in the Cherokee Nation within the time specified in the treaty of 1866; and also as to your residence since that time.

You are therefore hereby directed to appear before the Commission, at its office in Muskogee, Indian Territory, on Monday, November 16, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-118.

Muskogee, Indian Territory, October 17, 1903.

John Sanders,

Vian, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before a decision can be prepared in your case, further testimony is required tending to show whether or not you were the slave of a Cherokee citizen at the commencement of the war of the rebellion, and returned to and were residing in the Cherokee Nation within the time specified in the treaty of 1866; and also as to your residence since that time.

You are therefore hereby directed to appear before the Commission, at its offices in Muskogee, Indian Territory, on Monday, November 16, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

(COPY)

Cherokee Freedmen
D-118.

Muskogee, Indian Territory, July 5, 1904.

John Sanders,

Vian, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as Cherokee Freedman, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced in support of your said application.

You are, therefore, hereby directed to appear before the Commission at its offices at Muskogee, Indian Territory, at 9 o'clock A.M. Wednesday, July 27, 1904, and introduce testimony as above indicated.

In this connection you are advised that the Commission especially desires testimony as to your residence since the close of the war of the Rebellion.

Respectfully,

Commissioner in Charge.

Register.

Cherokee Freedmen

D- 118.

Muskogee, Indian Territory, July 5, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of John Sanders for the enrollment of himself as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced in support of his said application.

The applicant has, therefore, this day been notified to appear before the Commission at its offices in Muskogee, Indian Territory, at 9 o'clock A.M. on wednesday July 27, 1904 and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in rebuttal of that offered by the applicant. In this connection you are advised that the Commission especially desires testimony as to the residence of applicant since the close of the war of the rebellion.

Respectfully,

Commissioner in Charge.

(COPY)

Cherokee Freedmen
D-118.

Muskogee, Indian Territory, August 10, 1904.

John Sanders,
Vian, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not you were the slave of a Cherokee citizen at the beginning of the war of the rebellion; whether or not you returned to the Cherokee Nation after the war within the time provided in the Treaty of 1866.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, September 15, 1904, and introduce the testimony od such witnesses as you may be able to procure touching on the points above mentioned.

Respectfully,

Commissioner in Charge.

Register.

(COPY)

Cheroke Freedmen
D-118.

Muskogee, Indian Territory, October 13, 1904.

John Sanders,
Vian, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee Freedman, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Friday, November 18, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,

(Signed) T.B.NEEDLES.
Commissioner in Charge.

Register.

COPY.

Cherokee Freedman

Muskogee, Indian Territory, May 16, 1905.

John Sanders,

Melvin, Indian Territory,

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before a decision can be prepared in your case, furth r testimony is required, tending to show whether or not you were the slave of a Cherokee citizen at the commencement of the war of the rebellion, and returned to and were residing in the Cherokee Nation within the time specified in the treaty of 1866.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, May 25, 1905, and introduce testimony covering the points above mentioned.

Respectfully,

(SIGNED) Tams Bixby
Chairman

COPY.

Cherokee Freedman

Muskogee, Indian Territory, May 16, 1905.

Blue and Bulger,

Vinita, Indian Territory.

Gentlemen:

In the matter of the application of John Sanders for enrollment as a Cherokee freedman, you are advised that before the commission can render a decision in his case it will be necessary that further testimony be introduced tending to show that he was the slave of a Cherokee citizen at the commencement of the rebellion, and returned to and was residing in the Cherokee Nation within the time specified in the treaty of 1866.

The applicant has this day been notified to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock, A. M., on Thursday, May 25, 1905, and introduce testimony as above indicated.

Respectfully,

(SIGNED) Tams Bixby
Chairman

COPY.

Cherokee Freedman
D 148

Muskogee, Indian Territory, May 16, 1905.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of John Sanders as a Cherokee freedman, you are advised that before the Commission can render a decision in this case it will be necessary that further testimony be introduced tending to show whether or not said John Sanders was the slave of a Cherokee citizen at the commencement of the war of the rebellion, and returned to and was residing in the Cherokee Nation within the time specified in the treaty of 1866.

The applicant has this day been notified to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, May 25, 1905, and introduce testimony as above indicated.

COPY.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in rebuttal of that offered by the applicant.

Respectfully,

(SIGNED). Tams Bixby
Chairman

COPY.

Cherokee Freedmen

D-118.

Muskogee, Indian Territory, May 17, 1905.

Blue & Bulger,

Attorneys for John Sanders,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on May 11, 1905, in the matter of the application for the enrollment of John Sanders as a Cherokee freedman, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-91

COPY.

Cherokee Freedmen

D-118.

Muskogee, Indian Territory, June 28, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, granting the application for the enrollment of John Sanders as a Cherokee freedman.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.

Chairman.

Incl. S-35.

Cherokee Freedman
D-118.

Muskogee, Indian Territory, July 18, 1905.

John Sanders,

Melvin, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, granting your application for enrollment as a Cherokee freedman.

You are advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you wi l be duly notified.

Respectfully,

COPY. SIGNED: Tams Bixby,
Commi sioner.

Incl. L-72.

GHL

Register.

Cherokee Freedmen

D-118.

Muskogee, Indian Territory, June 28, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, granting the application for the enrollment of John Sanders as a Cherokee freedman.

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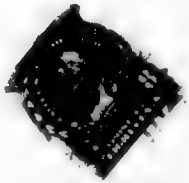
Respectfully,

Tams Bixby.
Chairman.

Incl. T-35.

V

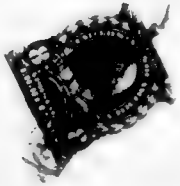
Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



John Sanders,

~~Vian,~~ Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.



John Sanders,

Vian, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes
MUSKOCEE, IND. TER.

John Sanders,

Vian, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

John Sanders,

Vian, Indian Territory.

STERED

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Cherokee Freedman.
D-276.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 14, 1901.

In the matter of the application of Feriby L. Moore for the enrollment of herself and her husband, Thomas H. Moore, as Cherokee Freedmen; she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Feriby L. Moore.
Q Who is it you want to have enrolled? A Myself and husband.
Q How old are you? A 34 years old.
Q What is your postoffice? A Ketchum.
Q In what district do you live? A Delaware
Q How long have you lived in the Cherokee Nation? A Ever since I knew myself I have been here.
Q Have you lived here all your life? A Yes sir.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.
Q Give me the name of your father. A James Davis.
Q Is he dead? A Yes sir.
Q How long has he been dead? A About 26 years.
Q Give me the name of your mother. A Rhoda Davis.
Q Is she dead? A Yes sir.
Q How long has she been dead? A She has been dead 21 years.
Q Give me the name of your husband? A Thomas H. Moore.
Q How old is he? A Fifty I think.
Q Is he a recognized Freedman of the Cherokee Nation? A Yes sir, he has been all the while; I reckon he is yet.
Q Do you know how long he has lived in the Cherokee Nation? A He lived here pretty near all his life, I reckon. You will have to ask him.
Q Where is he ? A He is out there some-where.

Thomas H. Moore, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:
Q Give me your full name. A Thomas H. Moore.
Q How old are you? A Fifty years old.
Q Are you the husband of this woman here? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Lived here all my life, except a little time I was out when the rebellion was, about three years.
Q Give me the name of your father. A My father was named Anderson Taylor; his last owner was Buffington.
Q Is your father dead? A I never heard of him since the war.
Q Give me the name of your mother? A Chaney Lowe.
Q Is she dead? A Yes sir.
Q How long has she been dead? A She died a year ago last March.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.
Q Always been put on the roll? A I don't know whether I am on the roll or not; I have always been that. I didn't find my name at the Wallace Book; I had to get a certificate to get my name on that; my brother got it.
Q How long have you and your wife been married? A About tex years; no, nine years.
Q What was her name when you married her? A Feriby L. Davis.
Q Was she ever married except to you? A Yes sir.
Commissioner of Applicant: To whom were you married before you married this husband? A Dennis Bean.
Q Is Dennis Bean dead? A Not that I know of.
Q How long since you and Dennis Bean married? A 15 or 16 years ago.
Q You and Dennis Bean parted, did you? A Yes sir.
Q Did you get a divorce from him? A I guess I didn't need any; he went to the penitentiary; I guess that divorced us.
Thomas H. Moore recalled:
Q Were you ever married before you married this woman? A No sir.
Q Never lived with any woman? A No sir.
Feriby L. Moore recalled:
Q Who were you living in 1866 with before you were married at all? A With my aunt Nicey Hayfield, in Saline District.
Q Did you go by the name of Hayfield? A I always went by the name of Davis, my father's name.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 627, No. 326, Ferby L. Davis, Saline District.

Thomas H. Moore, recalled:
Q Was your mother named Moore at that time in '80, or was she called Rowe? A She went by her owner's name Butler. My father was named Anderson Taylor.
Q How did you get the name of Moore? A From my own father.
Q Anderson Taylor was your stepfather? A He was my father.
Q Who was your father? A Anderson Moore and Anderson Taylor.
Q He had two names that way? A Yes sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant's husband is not found thereon.

Q Was your mother named Rowe in 1880? A Yes sir.
Q Who was your mother's husband in 1880? A Lewis Rowe.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant's husband's mother is found on page 303, No. 2111, Chana Rowe, Delaware District.

Q Is Lewis Rowe dead? A Yes sir.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon; neither is the name of the applicant's husband's mother found thereon.

The Kerns Clifton Roll examined and the name of the applicant's husband's mother is found on page 4, No. 83, Chaney Rowe, Delawae District.

Q Did you draw Cherokee Strip money? A Yes sir.

The Kerns Clifton Roll examined and the name of the applicant's husband is found on page 136, No. 3387, Thomas H. Moore, Delaware District.

Q Why is it, that you weren't on the 1880 roll with your mother? A I was left off that time; when I went for the 1880 payment I couldn't find my name.
Q Do you know the reason? A When I went in the house to get my '80 money, they couldn't find my name. I got a certificate and I had to go to Claremore and draw the money.
Q So you got the '80 money anyhow? A Yes sir, from Mr. Lipe.
J. S. Davenport: What '80 money have you reference to? A The '80 money what the rest of them drew.
Q What did you draw? A $16.60, if I aint mistaken.
Q How long have you been living out in the states? A Haven't been in the states; I have been here.
Q Didn't you ever live in the states? A A little while.
Q How long did you stay there when you were there before 1880? A I was here in '80.
Q Your family all on the roll? A I was here and enrolled here; Mr. Thompson enrolled me.
Commissioner: How much of your life have you spent in the States, you speak of your not being there in '80? A I spent my life right here in the territory, been out there and back when I was a young boy bumming around; I haven't been out of the nation for sixteen years; since I married.
Q Where were you for your or five years before you married? A I was here.
Q You say you haven't been out for 16 years, why didn't you say

twenty or twenty-one years? A I have been right here ever since I married.
Q You told me just now that you were married ten years ago and your wife said nine years ago? A Well, I didn't exactly know right then, but it was.
Q And you told me you never had been married before? A No.
Q How do you make it out 16 years now? A I haven't been married but nine years. I haven't been in the states in 16 years. I mean I haven't been out of the territory for 16 years only just to the line and back then.
Q Back before that 16 years where were you? A I went to Kansas and went to school one year and come back.
Q Now remember where you are, you are at a point 16 years ago. How long before that you had been to school, was it just about that time? Where did you go to school in Kansas? A I went to school in Fort Scott, one winter.
Q Is that all you went to school one winter? A I worked a little and went to school.
Q How did you happen to go up to Kansas? A I just went up there like little fellows will, just going around.
Q Was that the only time you went to Kansas? A I was there when we lived there in '63; we moved back down here in '65.
Q Then you went back and went to school? A Yes sir, one winter.
Q How long since you came back from Kansas from school? A In November, '84, when I come back.
Q How old were you when you were going to school in '84? A I was about 26 or 7.
Q How old do you call yourself now? A I call myself 50 years old.
Q Where did you stay in Kansas during the war? A My folks lived up in Douglass County near Lawrence, five miles east.
Q What did they do, farm up there? A Yes sir.
Q Your father and mother weren't living together then? A Lewis Rowe and Chaney were living together then.
Q Your father and mother? A No sir, they were parted before the war.
Q And you carried the name of your stepfather? A No sir, I carried the name of my father.
Q Did you live much with your stepfather? A He raised me; he brought me back here in '65.
Q Did your mother come at the same time? A Yes sir.
J. S. Davenport: Where were you when the war broke out? A I was living on Spavinaw on the old Landrum place.
Q Where was your father at that time? A Anderson Moore? He lived with George Buffington.
Q Hadn't your father and mother separated, and didn't your father take you to Lawrence, Kansas when the wat broke out? A No sir.
Q Wasn't you with him at Lawrence when the war broke out? A No sir.
Q What time during the war was you with your father? A I wasn't with him at all.
Q You said your people lived near Lawrence, Kansas? A Lewis and Chaney Rowe, I was speaking of.
Q Where did you go when you came back to the Cherokee Nation? A We come back right here where we lived. We stopped at Johnson Thompson's place at the head of the river.
Q Was Johnson Thompson living there? A Old man Jesse Cochran was living there.
Q Was Jesse Cochran living there then? A Yes sir.
Q He knows when you come back? A Yes sir, he was quite a boy then.
Commissioner: When you came back with your mother after the war, did you stay all the time in the Cherokee Nation until you went to Kansas to go to school? A Yes sir.
Q Did you live in one neighborhood all the time? A Yes sir, I lived right with the old folks.
Q With your stepfather and mother? A Yes sir, until I married.
Q Until you married this woman here? A Yes sir.
Q And there was it that you and your father and mother lived all the time? A We lived over in Delaware District right where

we are living now. I live joining the old man's farm on Section seven now; they live on the north half of section seven and I live on the south.
Q You have been living right there ever since the war? A Yes sir, ever since we come back.
Q When you married you didn't move out of the neighborhood? A I married and brought my wife right home.
Q Now you and your father and mother lived in the same neighborhood with Mr. Jesse Cochran? A Yes sir, they were living there when we come there on Mr. Thompson's place when he came there.
Q Where was Jesse Cochran living? A He lived on the same place.
Q How long did he live with you? A He was there.
Q How long after the war? A We didn't live there so very long.
Q You told me you lived there all the time down to this time? A We lived up in Delaware District; I didn't mean we lived at Mr. Cochran's all the time.
Q You told me you lived on one section of ground all the time? A That is where we are living now and this is on this side of the River when we come to this country.
Q Where did you and your mother and your stepfather locate when you come back from Kansas after the war - now, tell me that? A We located for our home, is right where we live now.
Q And where is that? A That is on section seven.
Q Near what postoffice? A Near Ketchum.
Q When you came back from Kansas you located near Ketchum? A Yes sir, where Ketchum is now.
Q That is where you located for your home when you got back from Kansas? A Yes sir.
Q And you been living there ever since? A Right where we are living now, ever since we got back from Kansas, only the little time you see when we first come back we stopped with these people; we didn't make that our home.
Q You have told me two or three different things. I want to know whereyou stopped first when you got back from Kansas? A Right at Mr. Cochran's.
Q How long did you stay there? A We didn't stay there very long; we moved across the river to another place.
Q How far did you move? A About three miles across the river.
Q What river? A Grand River.
Q How long did you stay there? A About two years at this place.
Q And then what did you do? A We moved where we have been living all the time on the old John Fallin place.
Q How far is this from the first place you weretalking about where Jesse Cochran lived? A Three miles east of that across the river.
Q So you lived all the time not further than three miles from the very first place you came to when you got back from Kansas? A Yes sir.
Q Is he living there now? A No sir.
Q How long did he live there? A Until he got killed.
Q There he is sitting there now? A I mean his father got killed.
Q Did young Jesse Cochran live there when you got back from Kansas? A Yes sir.
Q How long did he continue to live there? A I don't know how long he lived thereafterwards; he lived there.
Q Do you know him? A Yes sir.
Q Have you known him all the time, all along? A Yes sir.
Q Ever since you came back from Kansas? A Yes sir.
Q And he lived most of the time back at the old place you were talking about? A No sir, he moved some place out west some where; he has been living out west somewhere for quite a while.
Q For about how long? A I couldn't hardly say, because I don't know; I couldn't keep track of it. I reckon 15 or 20 years. Somewhere in that neighborhood; I can't tell exactly.

Jesse Cochran, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:
Q Give me your name. A Jesse Cochran.
Q How old are you? A 53 years old.
Q What is your postoffice? A Chelsea.
Q How long have you lived in the Cherokee Nation? A I was born here.
Q Lived here all your life? A Yes sir.
Q Do you know this man here, Thomas H. Moore, this colored man? A I don't know, it looks like I have seen him here for several years.
Q You have an impression that you have seen him for several years? A Only just way back, ten or fifteen years perhaps.
Q You have an impression that you saw him ten or fifteen years ago? A Yes sir.
Q Didyou know a colored woman named Chaney Rowe? A Yes sir.
Q Did she come to your father's place from Kansas just after the war? A Yes sir, she was a Rowe then.
Q Was she at that time the wife of Lewis Rowe? A Yes sir.
Q Did she have a family with her? A Yes sir.
Q What children? A I just couldn't state how many; there were a lot of them.
Q They lived on your father's place , did they, for a while? A Yes sir, they bought aboutthree miles from where father was living.
Q How long did you continue after the war to live there on your father's place? A I left there in the spring of '67.
Q Where did you go? A Out here in Cooweescoowee District.
Q Have you spent much time down in that neighborhood since? A No sir.
Q Have you any recollection of having seen this man with Chaney Rowe back there between '65 and'67? A They have grown up now,I can't recognize them; they were young boys then.
Q Did you know their names back in '65 and '67? A No sir, I believe not, only just acquainted with Lewis Rowe.
Q The husband of this woman, Chaney? A Yes sir. I went there frequently but I never got acquainted with the boys.
Q Do you know a colored man named Nelson Moore? A Well, I think that was the boy's name, that wasone of them in the outfit. I think he was the oldest one of the boys, that is my impression.
Q Would you know the name of any of the coher children if you heard them? A No sir, I would not.
Q Do you know whether Nelson has continued to live in the Cherokee Nation? A No sir.
Q You haven't kept the run of them since the early days back there? A No sir.
Q Do you recall the name of Thomas or Thomas H. among those boys back there? A No sir, I only remember Nelson Moore.
Q And you don't know anything about this man Thomas H. Moore at that time, or since that time? A Only just as I stated; I got acquainted with them after we all got into politics.
Q Just an impression of knowing him about fifteen or sixteen years ago? A Yes sir.
Q Beyond that you can't state? A No sir.

<u>Thomas H. Moore recalled:</u>
Q Who knows something about where you were living during all this time from 1865 to the time you say you were at school in Kansas? A Mr. Bell knows me.
Q Do you mean Mr. Moolie Bell? A Yes sir.
Q Did he know you before '65 until you went to Kansas? From the time you came back from Kansas until you went back? A He knowed me ever since I come back the first time.
Q Did he live in your neighborhood? A He lived about six or seven miles on Cabin Creek, but then I was acquainted with him.
Q You think he knows of you all that time? A He knows me, yes sir.

<u>Ferebу L. Moore, applicant, recalled:</u>
Q Did you draw CherokeeStrip money? A Yes sir.

The Kerns Clifton Roll examined and the name of the applicant is found on page 28, No. 702, Ferebу L. Moore,

Saline District.

The applicant applies for the enrollment of herself and husband. She is identified on the roll of 1880 and the Kerns Clifton Roll as a Cherokee Freedman. She has lived in the Cherokee Nation all her life. Her change of name arising from marriage is established in a satisfactory manner, and she will now be listed for enrollment as a Cherokee Freedman.

Her husband is identified on the Kerns Clifton Roll, but not upon the roll of 1880, nor upon the roll of 1896. His mother is identified on the roll of 1880 and upon the Kerns Clifton Roll. She has been dead a little more than one year. There appears to be some ground for doubt as to whether the applicant abjured his citizenship, as he is not with his mother on the roll of 1880, and a very satisfactory account cannot be obtained of him between 1865 and 1884. He will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, and he is desired to give additional testimony in regard to his residence during the time stated. The applicant claims that he is now fifty years of age. So far as any claim he might have for enrollment as an intermarried Cherokee Freedman, it appears from the testimony that his wife was once previously married, and she did not procure a decree of divorce from her former husband.

Commissioner of Thomas H. Moore: When you married your wife here, did you get out a license at all? A No sir, I didn't get any. Q Just got a preacher to marry you? A Yes sir, just got a preacher to marry us.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 16th day of May, 1901.

Commissioner.

B. I.T. 276

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
14 1901
ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 14, 1901

Post Office Ketchum I.T.

District Delaware

1. Name Thomas H. Moore Age 60

Citizenship

Owner's name

Year N.C Page 136 No. 3387 District Delaware

Parents:

Father Anderson Taylor Citizenship

Mother Chaney Rowe — dead Citizenship

Age

2. Name of wife Citizenship

Owner's name

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

		Year	Page	No.	Dist.
3.		Year	Page	No.	Dist.
4.		Year	Page	No.	Dist.
5.		Year	Page	No.	Dist.
6.		Year	Page	No.	Dist.
7.		Year	Page	No.	Dist
8.		Year	Page	No.	Dist.
9.		Year	Page	No.	Dist.
10		Year	Page	No.	Dist.
11.		Year	Page	No.	Dist.
12.		Year	Page	No.	Dist.

Application made by Stenographer

X Key

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 15 1901

[illegible]
ASSISTANT CLERK

Thomas R. McGee, being duly sworn, says that he is the same person who has been examined in this case on behalf of the Commission to the Five Civilized Tribes; that he has read the above and foregoing testimony by him given, and the same is true and correct.

Subscribed and sworn to before me this the 15th day of May, 1901.

[illegible]
Notary Public.

Q Have you been in the Indian Territory since the year 1880? A Yes, sir, twenty or thirty years back.

Q Well, that goes back far enough. Do you remember the year 1880? A As far as 1880 anyway.

Q Do you remember the year 1880 or '8 you don't seem to have any definite recollection of that? A No, sir, I didn't become acquainted with the Walkers until later. I knew their stepfather, old Lewis Rowe, all my life.

Q You say you got definitely acquainted with them in 1887 or '87? A No, not '87, it was after '87 that I became acquainted with them. They was a young fellow at that time, and I don't know that I ever had any particular recollection of meeting them with him; I know his brother Neil who was older than Tom all the time and their stepfather I believe, Lewis Rowe.

Q Have you any definite recollection of Tom before that time, prior to 1880? A Well, it would be rather difficult for me to say about that; my recollection of Tom is he was the educated gentleman of the crowd over there.

Q But I want to know when you first got acquaintance with him exclusively? A I don't say for sure in 1880; it just goes as a general proposition that Kate has him with the balance of them all the time there. [illegible] Tom's family were a date.

Q You don't give the date of the period further than from 1887? A That is [illegible] I don't understand to go.

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Supplemental -D.276.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 14, 1901.

In the matter of the application of Thomas H. Moore et al. for enrollment as Cherokee Freedmen.

Additional testimony.

Applicant, and Cherokee Nation, by its attorneys, present.

Mr. L. B. Beal, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Mr. Bell, do you know anything of a colored man named Thomas H. Moore? A Yes, I know this fellow here.

Q Well, he applied a short time ago before the Commission, in the course of this day, and he isn't found on either the roll of 1880 or 1896, and it is desired to know something about his whereabouts from the time the war closed until along in the eighties; do you know anything about that? A No, I don't know nothing of Tom till after 1867 or 1868 or somewheres along in there, I can't name the year; he belonged to a family that lived across the river six or eight miles from me.

Q His mother belonged to that family, did she, or did Tom himself belong to that family? A Tom himself.

Q He was old enough to be a slave? A No I am speaking about his father, I didn't know Tom himself before the war, I was acquainted with the old man he claimed for his father

Q You knew him in '67 or '68? A Well, somewheres along after '67, I can't name the date, I didn't come back myself till '67.

Q Have you known him continuously since that time? A Well, practically I might say so, of course I didn't see him every day or every month, but then he was here, he was always considered a citizen; we run him here for the Council, I know that.

Q Do you know whether he has continued to reside in the Cherokee Nation from along in '67 or '68, the time you speak of, up until the present time? A Insofar as I know he has been here continuously from the time I became acquainted with him that time; he is a brother of Nels Moore, an applicant that has been here and registered.

Q The question is about Thomas? A I can't tell anything about that, except I did understand that Tom went off and went to school some; he was the only educated freedman we had over there for a while.

Q Have you seen him as often as once every year or two since prior to 1870? A No, that is a good long ways to recollect back, I don't know that I did see him, I can't state positively about that.

Q Since 1870? A Since 1870, I have been seeing him along a good deal, I know ten or twelve years ago I had saw him and maybe longer than that and we had put him up as a member of the Council and in elections I have talked with him about this thing of manipulating votes and getting the boys right, but I can't tell you, the last 15 years you see I have lived here mostly and haven't seen him so often; before that I have seen him oftener.

Q What do you know about him between 1870 and 1880? A Nothing, only in a general way that he was supposed to beliving over there in Delaware district, living in this district on the other side of the river, I know he was at school some.

Q Did you see him from time to time between 1870 and 1880? A I can't make a definite statement as to that; I would say this, that I never missed him; of course he might have dropped out and gone; I never had any regular business with him.

Q Have you had him in mind and felt that you were acquainted with

him ever since 1870; has he been obliterated from your mind, have you remembered him distinctly and continuously? A Yes, I have recollected him all the time so far as that is concered, but I can't say and specifically state any time or anything of that sort right now.

Q You seem to remember him distinctly some fifteen years back?

A Yes, sir, twenty of them.

Q Well, that goes back as far as 1880? A As far as 1880 anyway.

Q And between that time and 1867 or '8 you don't appear to have any definite recollection of him? A No, sir, I didn't become acquainted with him until later; I knew their stepfather, old Lewis Rowe, all my life.

Q You say you got definitely acquainted with him in 1867 or '8?

A No, sir, not '67, it was after '67 that I became acquainted with the family; Tom was a young fellow at that time, and I don't know that I ~~xxxxxxxxx~~ have any particular special recollection or acquaintance with him; I knew his brother Nels who was older than Tom all the time and their stepfather I believe, Lewis Rowe.

Q Have you any definite recollection of Tom before that then, prior to 1880? A Well, it would be rather difficult for me to say about that; my recollection of Tom is he was the educated gentleman of the crowd over there.

Q But I want to know when you fix an acquaintance with him exclusively? A I wouldn't say prior to 1880; it just goes as a general proposition that I knew him with the balance of them all the time there, but I don't know that I can specifically name a date.

Q You can't place a year or a period farther ~~xxxxxxxxx~~ than about 1880? A That is as far back as I would undertake to go.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 15th of May, 1901.

Commissioner.

S U P P L E M E N T A L T E S T I M O N Y.

F.-D.#276.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 23d, 1901.

In the matter of the application of Thomas M. Moore for enrollment as a Cherokee Freedman, the following supplemental testimony is offered on the part of applicant:

JACK BALDRIDGE, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

APPEARANCES:
I. P. Bledsoe, Agent for Applicant.
W. W. Hastings, Cherokee Representative:

Q Give me your full name? A Jack Baldridge.
Q What is your post office? A Vinita.
Q In what district do you live? A I live in Dewweescoowee District now, I have been living in Delaware District.
Q How long have you lived in the Cherokee Nation? A All my life.

BY MR. BLEDSOE:

Q Are you upon the Dawes roll, Jack? A Yes, sir.
Q Do you know Thomas M. Moore? A Yes, sir.
Q How long have you known him? A I have been knowing him ever since '65.
Q What relation is he to Nelson Moore, if any? A Him and Nelson Moore were brothers.
Q When he was Thomas M., have you known him up to the present time, up to 1885? A Yes, sir.
Q Where has he resided, where home has he lived? A Lived in Delaware District, on Grand river, Roland's Ferry.
Q Did he make this his home continuously? A Yes, sir.
Q He never was out of that to reside anywhere else?
A No, sir, not as I know of.
Q You have seen him off and on from '65 up to '85? A Yes, sir.

BY W. W. HASTINGS:

Q Where has he been since '65? A I don't know.
Q Well, why is it you qualify his residence here only between 1865 and 1885? (No response.)
Q Why do you say he has resided here from 1865 to 1885, why don't you say he has resided here ever since '65 up to the present time?
A He has been living in Delaware since I know him.
Q Has he been living here continuously for the last 15 years?
A Yes, sir.
Q At Roland's Ferry? A Yes, sir.
Q Living there now? A Yes, sir.
Q Where did he live in XXX '65? A On Grand river.
Q Whom was he living with? A His father.
Q Lewis Rowe is dead? A Yes, sir.
Q Did he live there in '65? A Yes, sir.
Q [illegible] went up to Tahlequah [illegible] no, I don't know.
Q How far did you live from him? A I lived down on this side of the river a while at Tan yard.
Q How far from him? A I don't know, must have been four or five miles.
Q You you know whether he resided there all the time don't you?
A Who?
Q This fellow Moore? A When I could, in the settlement I would see him up there.

Q You know whether he was out of there any considerable length of time if you lived in four or five miles from him? A Yes, sir.
Q Did he go back up to Kansas? A I think he went back up there to school.
Q You don't know how long? A No, sir.
Q You could not say how many years? A No, sir.
Q How big a boy was he in 1865 when you saw him? A I guess he was about that high (indicating), I don't know how old he was, we both was boys.
Q How old are you? A I don't know how old I am.
Q Didn't you give in your age here a while ago? A No, sir.

BY COM'R BRECKINRIDGE:

Q What is your age? A I don't know.
Q Well as near as you can come? A Well about 46 years old I guess.

BY W. W. HASTINGS:

Q About how old were you when the war was closed? A I could not tell you how old I was.
Q You were about the same size of him? A Yes, sir.
Q What time did you see him in 1865 at Lewis Rowe's? A I think it must have been along in winter, ain't certain.
Q You are not certain about what time of the year are you? A No, sir.
Q As a matter of fact do you know when '65 was? A I am going by what the old folks told me it was.
Q They told you at that time that it was '65 did they? A Yes, sir.
Q Who told you that? A Lewis Rowe.
Q Did he tell you that year it was '65? A Yes, sir.
Q What makes you now remember that he told you it was '65?
A I kept hearing them talk about '65 and kinda keep to my remember.
Did you ever hear of any year since that talked about so as to interest it on your mind? A Yes, sir.
Q What year? A '80, 1880.
Q Do you remember hearing any talk that year in 1880? A Which do you mean.
Q During the year of 1880? A Yes, sir.
Q What year is this. A I believe they call it '91, ain't it, or 1901, or something like that.
Q Was there a Treaty made when you saw this fellow at Lewis Rowe's? A I don't think it was.
Q You don't think it was? A No, sir.
Q Did you ever see him there after the Treaty was made, of '66? A Yes, sir.
Q Who took him back to Kansas to go to school? A I could not tell you that.
Q Was his mother living in Kansas? A No, sir, she was living down here at Lewis Rowe's.

BY COM'R BRECKINRIDGE:

Q Where was this you were living in 1865 A I was living down on this side of the river at Tan Yard Ford.
Q How long did you live there? A I don't know just how long I did live there; I moved over there by right close to where he is living now. Delaware District, on yon side of the river, Roland's ferry.
Q How much of a move did you make? A It must be four or five miles.
Q Have you lived at those two places ever since the war closed? A Yes, sir.

Q Has this man, Thomas H. Moore, moved since you saw him down there in 1865, or has he lived in one place? A He has lived there all the time.
Q Where you first saw him? A Yes, sir.
Q He is li ing there now where you first saw him in 1865?
A Yes, sir; well it is not the same house he has built a little ways off, quarter of a mile or such a matter.
Q How long have you been living at your present home? A I guess I must have lived there about 17 or 18 years after I moved below; Oh! out here not quite two years.
Q You said you lived at these two places ever since '65, the place where you lived in 1865 and the place you are living now? A I moved since that, I moved in Cooweescoowee District, it has been about two years.
Q Where did you live before that? A I lived in Delaware District close to Boland's ferry.
Q How far was that from where you lived in 1865? A About three or four miles.
Q Did you live at these two places until you moved two years ago?
A Yes, sir.
Q How long did you lived at that place you moved from two years ago? A I guess it must have been about 16 or 17 years, as near as I can come to it.

Com'r Breckinridge:--This will be filed as aditional testimony in case D. #276.

---oooOOOooo---

J. O. Rosson, being first dulysworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded he testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 28th day of May, 1901.

T Breckinridge

Commissioner.

R
Cher Freed D 276.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 27, 1902.

In the matter of the application of Thomas H. Moore, for the enrollment of himself as a Cherokee Freedman:

THOMAS H. MOORE, being duly sworn, and examined by the Commission, testified as follows:

Q What is your name ? A Thomas H. Moore.
Q How old are you ? A Fifty years old.
Q Where do you live ? A In Delaware district, near Ketcher.
Q How long have you been living in Delaware district ?
A About thirty five years I reckon. Ever since 1865 I have been around there.
Q Ever lived in any other district ? A No sir.
Q Never did ? A Not as a home, no sir.
Q Ever been in any other district ? A Yes sir.
Q How long ? A Just in and out.
Q How old a man were you when the roll of 1880 was made ?
A I don't know exactly how old I was then, because I didn't know anything about that then. It appears to me that I give my age, as near as I can remember, as 27 at that time.
Q Did you own any property at that time ? A Yes sir.
Q How much ? A A little farm up there.
Q When the roll of 1880 was made ? A Yes sir.
Q Did you own any cattle ? A Yes sir, about sixteen or twenty five head.
Q You are sure you owned as many as that ?
A Yes sir, I had a good many.
Q You claim that your name appears upon the roll of 1880 as "Thomas Moore or Moon" ? Did you ever have any trouble with your eyes ? A No sir.

--Applicant claims that his name appears upon the roll of 1880 as "Thomas Moore or Moon". Upon an examination of said roll, the name of Thomas Moore or Moon is found on page 292, # 1849, in Delaware District; opposite said name appears the following note: "This man is blind". It further appears that the said Thomas Moore or Moon whose name appears upon the roll of 1880, owned, when said roll was taken, eight head of cattle; and that no record is made of any other property or improvements then in the possession of said Thomas Moore or Moon, whose name appears upon the page above indicated.

The witness: I had a house, farm and a potatoe patch.
Q What did you really own up there when the roll of 1880 was made ?
A A little farm.
Q How many acres ? A Twenty or twenty five acres maybe.
Q Were you a married man at that time ? A No sir, single.
Q Did you own any hogs ? A Yes sir.
Q Own any horses ? A Yes sir.
Q Wagons ? A No sir, didn't have no wagon.
Q How did you cultivate the farm; did you have any plows ?
A Yes sir.
Q Have any grain that year ? A Had grain.
Q How much ? A Just a little.
Q About how many bushels of corn did you raise that year ?
A I x disremember, somewhere about 300 or 400 bushels of corn that year.
Q Did you tell the census enumerators that ? A Yes sir.
Q Told them you owned a houhe ? A Yes sir, two houses.
Q Told them about everything you owned did you ? A Yes sir.

Examined by Mr. Hastings:

Q You didn't tell them that you were blind ? A No sir.
Q You weren't blind ? A No sir.
Q Who is Jesse Ree ? A He is my brother.
Q The same mother or father ? A The same mother, a different father.
Q Didn't he tell you that he was up at Eucha before Party # 3, and heard them calling over the roll, and heard them checking "Thomas Moore or Moon" on the roll ? A Yes sir.
Q You didn't know you were known by that name until he told you did you ? A No sir. I didn't know I was going by that name.
Q He asked, didn't he, for a copy of that roll ?
A Yes sir, and he said they said they couldn't do it, that I would have to come here.
Q You didn't know then until he went up there and came back and told you that you went by the name of "Thomas Moore or Moon "; not until he told you that he heard them checking it off the roll that way did you ? A No sir. I knew Moore, but didn't know the Moon part.
Q When did they put you on the 1880 roll, when they put all the other people on ? A Yes sir. That's where I lost my name in 1880 when I went before the paymaster to draw the 1880 money, they couldn't find my name on the pay roll, and I have never been able to find it on there until it came up on this Moore or Moon, only on the pay roll. I was paid in Cooweescoowee. I got my 1880 money in Cooweescoowee.
Q Is that all you desire to state about your application ?
A Yes sir that's my name, and its correct and everything, and I desire to be placed on a straight card.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this July 7, 1902.

(Seal)

Notary Public.

OCT 1
COMMISSIONER TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Vinita I. T. September 26th 1903.

Cherokee Freedman D 276

In the matter of the application for the enrollment of Thomas H. Moore, as a Cherokee Freedman.

Appearances:
L. B. Bell, Attorney for the Cherokee Nation.
Thomas, H. Moore, the applicant, present in person.

By agreement of the applicant and the Attorney for the Cherokee Nation, J. C. Starr is appointed stenographer to take the testimony in this case, the regular stenographer for the Commission being absent.

Johnson Landrum being duly sworn testified as follows:

By the Commission:
Q- State your name?
A-- Johnson Landrum.
Q--How old are you? A-- About forty-four years old I think.
Q What is your post office address? A-- Vinita, Indian Territory.
Q--In what district do you live? A--In Delaware District.
Q--Are you a son of John Landrum, who the applicant claims was his master before the war? A--Yes sir.
Q--About how old were you atthe commencement of the war?
A--I was about two years old.
Q--Could you of your own personal recollection state whether Thomas H. Moore was a slave of a Cherokee citizen at the commencement of the war?
A--No I could not.
Q--State what you recollection is of the applicant at that time or during the war?
A--Well I know that he belonged to my father--He was my nurse and I recollect well of him carrying me about on his shoulders.
Q--Was your father a Cherokee citizen? A--Yes sir.
Q--Where was he living at the commencement of the war? A--On Spavinaw
Q--In what District? A--In Delware District.
Q--Cherokee Nation? A--Yes sir.

By L. B. Bell, Attorney for the Cherokee Nation.
Q--Where do your first recollect di tinctly of knowing Thomas H. Moore? Go back to where you first recollect knowing him?
A--After we came back to Cabin Creek I saw him and knew him after that.
Q-- Do you recollect Tom Mown in the Choctaw Nation?
A-- No sir.
Q--Your first recollection of him then is along in 1866 when you moved back here? A-- Yes sir.
Q--And Afterwards? A--Yes sir.

Indian Territory
Northern District SS.

The undersigned, J. C. Starr, being duly sworn on oath states that as stenographer in the above case he correctly recorded the testimony and proceedings therein and that the foregoing is a full true and correct transcript of his stenographic notes thereof.

J C Starr

Subscribed and sworn to before me this 26th day of September 1903.

J J Jones

Notary Public.

Commission to Take Depositions Upon Interrogatories.

Department of the Interior,

Commission to the Five Civilized Tribes,

MUSKOGEE, INDIAN TERRITORY

THE COMMISSION TO THE FIVE CIVILIZED TRIBES to any officer authorized to take Depositions:

KNOW YE, that we, reposing confidence in your prudence and fidelity, do, by these presents, give unto you authority diligently to examine Nellie Landrum of Vinita, I. T.

as a witness in a certain application now pending before the Commission to the Five Civilized Tribes, for the ~~identification as Mississippi Choctaw~~ enrollment as Cherokee Freedman of Thomas H. Moore Cherokee Freedman card No. D 276

THEREFORE, we desire that you cause the said witness to come before you; and, first duly swearing her to testify the whole truth in the premises, that you examine her upon the interrogatories and cross interrogatories hereto annexed; and, that you cause said examination to be reduced to writing, either by yourself or by the witness in your presence, the answers to each interrogatory and cross-interrogatory to be inserted immediately underneath the respective questions, and the whole, when completed, to be read over to the witness and by her subscribed; and, in taking said depositions, you will permit neither party, nor his agent or attorney, to be present at the examination of the witness, unless both parties are present or represented by an agent or attorney or unless the opposite party, or his agent or attorney, has been seasonably notified of the time and place of taking the depositions, or the party attending has been notified by the opposite party to attend; and, that in the matter of this application the parties thereto are, the applicant or applicants for ~~identification~~ enrollment on the one hand, and the ~~Choctaw and Chickasaw~~ Cherokee Nations by ~~their~~ its attorneys on the other hand; and, when you shall have so taken the said depositions, then, that you send the same without delay, duly certified, with the commission, caption, interrogatories, exhibits and certificate attached, closed under your seal, with an indorsement on the envelope showing them to be depositions, and the style of the application in which they were taken, addressed to the undersigned at Muskogee, Indian Territory.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

By [signature]

~~Dated at Muskogee~~, Indian Territory, this day of October, A. D. 190 5

CAPTION OF DEPOSITIONS.

The Deposition of Nellie Landrum

taken on the 10th day of November 1903, between the hours of 8 o'clock A. M. and 6 o'clock P. M., at the ~~office of~~ Home of Nellie Landrum a _____ in the city of Fort Smith in the Indian Territory, to be read in evidence in the matter of the application of Thomas H. Moore, for the ~~identification~~ enrollment of himself and h minor children.

as Cherokee Freedmen ~~Mississippi Choctaw~~, pending before the Commission to the Five Civilized Tribes and the Department of the Interior

Cherokee Freedmen D 276.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

INTERROGATORIES on behalf of the Commission to the Five Civilized Tribes to be propounded to Nellie Landrum of Vinita, Indian Territory, in the matter of the application for the enrollment of Thomas H. Moore as a Cherokee Freedman. (F D 276).

1. State your name, age, and postoffice address?

2. Do you know Thomas H. Moore who has applied to the Commission for enrollment as a Cherokee Freedman?

3. Was he a slave of a Cherokee citizen at the commencement of the rebellion?

4. If so, to whom did he belong and in what Nation or State did he reside at the commencement of the rebellion?

5. Was his owner at that time a Cherokee citizen?

6. State any other facts of your knowledge tending to show whether or not said Thomas H. Moore was the slave of a Cherokee citizen at the commencement of the rebellion?

Answers to direct interrogatories propounded to Nellie Lanirim in the above matter

Answer to No.

1 [illegible]

2 [illegible]

3 [illegible]

4 [illegible]

5 [illegible]

6 [illegible]

Cross interrogatories propounded to Nellie Landrum, by J.S. Davenport attorney for the defendant in the above entitled cause.

Q. How old were you when [illegible]

[illegible]

Q. How long had you known [illegible] defendant [illegible] prior to the [illegible] of [illegible]

[illegible]

[illegible]

[

Q. Do you think it was wrong to
when the war broke out?

A. No Sir.

Q. Was you ever ~~[illegible]~~ convicted
when the war broke out?

A. No Sir.

Q. Did you ever be a Citizen of

subscribed and sworn to before
me this 10th day of November 1903.

Frank L. Bonesthaller
Notary Public.

My com expires July 12th 1905

CERTIFICATE.

Indian Territory
Northern Dist } ss.

I, Frank L Bumerhatter, a Notary Public within and for the above named Dist of Territory do certify that the foregoing Deposition of Nellie Landrum

was taken before me and read to her in my presence at the time and place and in the action mentioned in the Caption, the said Nellie Landrum

having been first duly sworn by me that the evidence she should give herein should be the truth, the whole truth and nothing but the truth, and that her statements were reduced to writing by me in her presence ~~(or by her in my presence)~~ the applicant being present at the examination in person & the defendant being represented by J. S. Davenport Attorney—

(NOTE.—Here fill in which of the parties were present at the examination and the manner in which they were present, whether in person or by attorney.)

Given under my hand and seal of office on this the 10th day of November A.D. 1903

Frank L Bumerhatter
Notary Public
(Official character)

(Affix seal here)

Cherokee Freedmen D-276 .

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

----:----

In the matter of the application for the enrollment of Thomas M. Moore, as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that Verity L. Moore appeared before the Commission at Vinita, Indian Territory, on May 14, 1901, and made application for the enrollment, among others, of herself and her husband Thomas M. Moore, as Cherokee Freedmen. The said Verity L. Moore, being differently classified, is not embraced in this decision. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on May 16, 1901; at Muskogee, Indian Territory, on June 27, 190[illegible], and at Vinita, Indian Territory, on September 22, 1903. On November 10, 1903, the deposition of Ellis Lanham was taken in said cause, and is a part of the record herein.

The evidence shows that the applicant, Thomas M. Moore, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he was taken out of the Cherokee Nation, but returned thereto within the time specified in the decree of the Court of Claims, rendered February 3, 1896, in the case of Moses Milmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation.

The evidence further shows that the said Thomas M. Moore has resided continuously in the Cherokee Nation since his return thereto with the exception of a temporary absence in the State of Kansas for the purpose of attending school.

It is, therefore, the opinion of this Commission that Thomas H. Moore should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this JUN 2 1905

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, IND. TER., November 4, 1901.

The following rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws have, on this date, been adopted by the Commission, and are promulgated for the information and guidance of all concerned.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

TAMS BIXBY,

Acting Chairman.

RULES AND REGULATIONS

GOVERNING THE PROCEDURE IN THE TAKING AND SUBMISSION OF DEPOSITIONS IN SUPPORT OF APPLICATIONS FOR IDENTIFICATION AS MISSISSIPPI CHOCTAWS.

Rule 1. Testimony may be taken by deposition in the following cases:

(a) Where the witness is unable, from age, infirmity or sickness, to personally appear before the Commission to the Five Civilized Tribes.

(b) Where the witness is a non resident of the Indian Territory, or of the state of Mississippi

(c) Where from any sufficient cause it is apprehended that the witness may be unable to be present in person, in which case the deposition will be used only in the event that the personal attendance of the witness cannot be obtained

Rule 2. The party desiring to take a deposition under Rule 1, must comply with the following regulations

(a) He must have made a personal application to the Commission to the Five Civilized Tribes for identification as a Mississippi Choctaw

(b) He must file with said Commission his affidavit setting forth one or more of the above named causes for taking such deposition, that the testimony of the witness is material to his claim, and specifying the evidence sought to be adduced in the taking of said deposition

(c) [illegible]

(d) [illegible]

(e) [illegible]

Rule 3. [illegible]

Rule 4. [illegible]

Rule 5. [illegible]

Tribes, which commission shall be accompanied by a copy of all the interrogatories filed.

Rule 6. The Commission to the Five Civilized Tribes, may designate any officer, authorized to administer oaths within the county or district wherein the witness resides, to take such deposition.

Rule 7. It is the duty of the officer before whom the deposition is taken, to cause the interrogatories appended to the commission to be written out and the answers thereto to be inserted immediately underneath the respective questions, and the whole, when completed, is to be read over to the witness, and must be by him subscribed and sworn to in the usual manner, before the witness is discharged.

Rule 8. The officer must attach his certificate to the deposition, stating that the same was subscribed and sworn to by the deponent at the time and place therein mentioned.

Rule 9. The deposition and certificate, together with the commission and interrogatories must then be sealed up, the title of the cause endorsed on the envelope, and the whole returned by registered mail or express to the Commission to the Five Civilized Tribes, Muskogee, Indian Territory.

Rule 10. Upon receipt of the deposition at the office of the Commission to the Five Civilized Tribes, the date when the same is received must be endorsed on the envelope and body of the deposition by said Commission.

Rule 11. If a commissioner designated to take the deposition has no official seal, a proper certificate of his official character, under seal, must be appended to the return.

Rule 12. Service on the Choctaw and Chickasaw Nations shall be made by serving the attorneys of said nations.

Rule 13. Proof of personal service shall be made, where service is required, by the written acknowledgment of the party served, or by the affidavit of the party making such service

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Thomas H. Moore,
Ketchum, I.T.
Cherokee F-D-276
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-276.

Muskogee, Indian Territory, September 11, 1903.

Thomas H. Moore,

Ketchum, Indian Territory.

Dear Sir:

In the matter of the application for your enrollment as a Cherokee Freedman, you are hereby advised that further testimony is required tending to show whether you were the slave of a Cherokee citizen, or free colored, person, at the commencement of the War of the Rebellion.

You are further advised that the Commission will be at Vinita, Indian Territory, on Thursday, September 24, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen
D-276.

Muskogee, Indian Territory, October 7, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that Thomas H. Moore, who is listed for enrollment on Cherokee freedmen card D-276, has applied to the Commission for permission to take the deposition of one Nellie Landrum, an invalid, residing at Vinita, Indian Territory, to be filed in his case for the purpose of showing that he was the slave of a Cherokee citizen at the commencement of the rebellion.

In accordance with said request there is herewith enclosed copy of a list of interrogatories prepared by the Commission, and you are advised that you will be given five days within which to file cross interrogatories, upon receipt of which a commission will be issued for the taking of the deposition of said Nellie Landrum.

Respectfully,

Enc. D-48

Chairman.

Muskogee, Indian Territory, October 22, 1903.

Thomas H. Moore,

Ketchum, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of September 26, asking that you be permitted to take the deposition of Nellie Landrum, an invalid, residing near Vinita, Indian Territory, to be filed in your application for enrollment as a Cherokee freedman.

In accordance with your request there are herewith enclosed a commission to take depositions, a list of interrogatories to be propounded to the applicant and a copy of the Rules and Regulations governing the taking of depositions to be filed with this Commission. You will be required to give the attorney for the Cherokee Nation ten days notice of the time and place of taking such deposition.

Respectfully,

Enc. D-6

Commissioner in Charge.

Cherokee Freedmen
D 276

Muskogee, Indian Territory, January 23, 1904.

Thomas H. Moore,

Ketchum, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee Freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether you were the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the war of the rebellion.

You are, therefore, directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday March 1, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 276

Muskogee, Indian Territory, January 23, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Thomas H. Moore for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether the applicant was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the war of the rebellion.

The applicant, therefore, has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday March 1, 1904, and introduce testimony as above requested. The Cherokee Nation will be permitted to appear on that date and introduce testimony in rebuttal of that requested of the applicant.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 276

Muskogee, Indian Territory, February 13, 1904.

Thomas H. Moore,

Ketchum, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 3, 1904, acknowledging receipt of the Commission's notification of January 23rd, advising you that further testimony would be required in the matter of your application for enrollment as a Cherokee Freedman before a decision could be prepared in this case. You call attention to the fact that you have heretofore filed in your application the deposition of Nellie Landrum and ask to be advised, in view of this fact, if further testimony is still considered necessary.

In reply you are advised that upon further consideration it is not deemed necessary that further testimony be introduced in your case, and you will not, therefore, be required to appear before the Commission on March 1st as heretofore directed.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 276

Muskogee, Indian Territory, February 13, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Thomas H. Moore for enrollment as a Cherokee Freedman, C. F. D 276, which case was on January 23rd set for further hearing before the Commission at its offices in Muskogee, Indian Territory, on March 1, 1904, you are advised that upon further consideration it is not deemed necessary that additional testimony be taken in this case and the applicant has this day been notified that he will not be required to appear before the Commission on that day as heretofore ordered.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-276.

Muskogee, Indian Territory, June 23, 1905.

Thomas H. Moore,

Ketchum, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of June 15, 1905, asking to be advised as to the status of the application for your enrollment as a Cherokee freedman.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered you will be furnished with a copy.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-276.

Muskogee, Indian Territory, June 30, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of Thomas H. Moore as a Cherokee freedman.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tiffin

Chairman.

Incl. S-10

Cherokee F D-276.

Muskogee, Indian Territory, July 18, 1905.

Thomas H. Moore,

Ketchum, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting your application for enrollment as a Cherokee freedman.

You are advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

COPY.

(SIGNED) Tams Bixby.
Commissioner.

Incl. L-73.

GHL

Cher Fr 1470

Cher Fr 1470

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

--:--

In the matter of the application for the enrollment of

THOMAS H. HARRIS,

as a Cherokee Freedman.

CHEROKEE FREEDMAN D 776

states of America on the 3rd day of October, 1891, by the Rev. Thomas J. Casey.

Q You didn't have any license? A No, sir, they told us both we were Cherokee citizens and we didn't need it.

Mr. Hastings: I see in this license where you were married in 1891 that the name is given as Thomas H. Harrison, of Muskogee? A Yes, sir.

Commissioner: Your right name is Thomas H.? A Yes, sir, I suppose that is it, when they write it, but I don't know how they put it, and I just told them that is what is my name.

Commissioner: Thomas Harrison applies for the enrollment of himself. He avers that he was married to one Minerva Douglass, a Cherokee freedman, in the year 1891, and makes satisfactory proof of said marriage, license being filed herewith. From an examination of the records, it appears that his wife has been duly listed for enrollment as a Cherokee freedman on a straight card, No. 1032, as Minerva Harris. It is evident that she intended to state that her name was Harrison. Applicant cannot be identified upon any of the rolls of the Cherokee Nation now in the possession of the Commission. He avers that he was the slave of John Ross. As to his residence and citizenship reference is made to the testimony. He will now be listed for enrollment as a Cherokee freedman upon a doubtful card. He will be notified by mail of the action of the Commission on his application, when a decision is rendered.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 27th of June, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 20, 1901

In the matter of the application of Thomas Harrison for enrollment as a Cherokee Freedman.

Thomas Harrison, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Thomas Glass.
Q How old are you? A They say I was born in 49.
Q You are 52 years old? A Yes, sir.
Q What is your post office? A Lenapah.
Q What district do you live in? A Cooweescoowee.
Q You aply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Myself; my wife has already enrolled; she is on the 1880 roll.
Q What is her name? A Minerva Harris now.
Q Is that her name now? A Yes, sir, I am living with her now.
Q How does your name happen to be Glass if she is named Harris?
A Glass is by my owners.
Q I didn't ask you about your owners; I asked you your name?
A My name is Tom Harrison.
Q Is your name on the roll of 1880? A No, sir.
Q It is not on any of the rolls of the Cherokee Nation? A No, sir.
Q Did you ever apply to the Cherokee authorities to have your name placed on the roll? A Yes, sir.
Q Did they refuse to put it in? A Yes, sir.
Q You say you applied to the Cherokee authorities? A Yes, sir.
Q Where at? A In Sequoyah district.
Q They refused to list you, did they? A Yes, sir.
Q Did you ever apply to the Kern-Clifton Court? A Yes, sir.
Q Did you get your namey there? A Yes, sir.
Q Were you a slave? A Yes, sir.
Q Who did you belong to? A John Glass.
Q Was he a Cherokee citizen? A Yes, sir.
Q An indian? A A Full blood indian.
Q Where were you born? A In Flint.
Q Cherokee Nation? A Yes, sir, Cherokee Nation.
Q Did you go out of the Cherokee Nation during the war between the north and south? A I went to the Choctaw Nation, they carried me there.
Q Who carried you there? A I don't know who they were, they captured me where I used to live in Flint.
Q And took you down there? A Yes, sir.
Q That was during the war? A Yes, sir.
Q When did you return from there to the Cherokee Nation? A Came back here in the fall of '65.
Q Where did you come to? A Came back here in Flint where I used to live.
Q Your master's old place? A Yes, sir.
Q Been living in the Cherokee Nation ever since? A Yes, sir.
Q Why is your name not on the roll of 1880? A I just don't know.
Q You been in the CherokeeNation since 1865? A Yes, sir.
Q When did you marry? A In 1891.
Q To your present wife? A Yes, sir.
Q Were you ever married before? A Yes, sir.
Q How many times you been married? A Been married twice.
Q Is your first wife living? A Dead.
Q Did she die before you married your last wife? A Yes, sir.
Q Where did you marry your first wife? A Married in the Creek Nation.
Q You were living in the Creek Nation then? A Yes, sir.

Q I believe you said you always lived in the Cherokee Nation?
A Yes, sir, I always lived in the Cherokee Nation, I lived there too.
Q You live in both places? A Yes, sir.
Q Did you live with your first wife in the Creek Nation? A Yes, sir, lived there four years.
Q When did you marry her?m A I don't know, ~~whether it was in the fifties or the sixties~~, she died in '74.
Q Then you must have married her about '70? A Yes, sir.
Q In the Creek Nation, and lived there about four years, did you?
A Yes, sir.
Q And then came to the Cherokee Nation? A Yes, sir.
Q Well, when you came back from the Choctaw Nation you came up to the old place in the Cherokee Nation? A Yes, sir.
Q Then did you move in to the Creek Nation? A No, sir, came to Fort Gibson.
Q How did you go to the Creek Nation? A By fooling around Fort Gibson I saw a woman I wanted and I followed her over there?
Q And then you married her over there, did you? A Yes, sir.
Q And lived there? A Yes, sir.
Q That was in '70? A Yes, sir.
Q Well, you lived there about four years? A Yes, sir.
Q And then came back to the Cherokee Nation? A Yes, sir.
Q Been living here ever since? A Yes, sir.
Mr. W.W.Hastings, Cherokee attorney: Give me the names of some of your owner's family? A Well, you want me to begin with the head man?
Q You have got them, give his wife and children? A His wife died a little before the war, his wife was named Annie.
Q Did he have any children at Annie? A Yes, sir.
Q What were their names? A I will tell you in the Cherokee language then, we didn't have English names, we all talked Cherokee, we didn't talk no English.
Q And you don't know any English names? A No, sir, I know some of the oldest one's English names.
Q What was John Glass' ~~children's English~~ neighbors' names? A Steve Teehee was one.
Q Did Steve Teehee know you before the war? A Yes, sir.
Q He know you after the war? A Yes, sir.
Q How soon after the war did you know Steve Teehee? A You see in '65 when I came here in the sprin of '66 I farmed up here for him, made a crop for him.
Q That is the man used to be second chief? A Yes, sir
Q And lived down about Tahlequah now? A Yes, sir.
Q Made a crop for him in the year '66? A Yes, sir.
Q Who did you come back from the south with? A Cale Starr.
Q You came back, with him? A Yes, sir.
Q Who was along with Cale Starr? A There was nobody along with her but his family and us, some colored folks was with him.
Q Name some of them? A Gove Starr.
Q And who else? A He had a son by the name of Newt.
Q He alive? A He was alive, and Lewis and his wife.
Q Was Charlie Starr along? A No, sir, he wasn't along with us then.
Q Was Zeke Starr's wife, Maggie Starr, along? A No, sir, we lived twenty miles this side of them, we lived on Kiamichi, ~~Zeke Starr was married to her then~~.
Q Zeke Starr wasn't married to her then? A No, sir, he wasn't married, he wasn't along.
Q I mean was Zeke's wife, Miss Maggie Starr? A She was a little girl.

Q She was along with her father when he came back here? A Yes, sir; you see they stopped in San Bois, they didn't come through with me.

Q Who didnt come with you? A Cale Starr.

Q Cale didn't come all the way with you? A No, sir, they stopped to San Bois.

Q How did you come from San Bois in the Choctaw Nation to the Cherokee Nation? A They said they were out of provisions, had to go to Fort Smith for grub, and I went to Fort Smith and then across the river right there.

Q Then Cale Starr brought you to Fort Smith? A Yes, sir.

Q And you went from Fort Smith up by yourself? A Yes, sir.

Q That was just across the river from the Cherokee Nation? A Yes, sir, right across the river.

Q How long had you been living in the Creek Nation until you married? A I never have lived there.

Q Before you married the first time? A I never have lived there then.

Q Where did you live when you married your first wife? A At Fourteen Mile Creek.

Q After you married your first wife? A A place they called Old Tennessee.

Q Near Muskogee? A Yes, sir.

Q Was any of your old owner s family living when you came back there? A Yes, sir.

Q You came back to the old place? A Yes, sir.

Q Any of them living now? A Yes, sir.

Q When did you first go to Fort Gibson? A I came there on the 28th day of July, 1866, after I made a crop for Steve Teehee when I left him.

Q John Glass had a boy by the name of John and one by the name of Bill, and one named Polly? A Yes, sir.

Q That was his children? A Yes, sir, one named Lizzie, and Pooly and Bill and Looney, they were his first wife's children, they were the oldest children.

Q When did you move out to Fourteen Mile Creek? A It was in '67, at least my mother.

Q You say Charlie Starr wasn't along with his father Cale?

Q No, sir, he wasn't along.

Q When did you first meet L. D. Daniels, did you meet him before the war? A No, sir, didn't know him before the war, but I knowed him when I came to Fort Gibson.

Q That was after the war? A Yes, sir.

Q You and him work together? A No, sir, didn't work together.

Q Did you live around Fort Gibson at all with your father and mother

A I stayed with my mother.

Q Out on Fourteen Mile Creek? A Yes, sir, in Gibson there that summer.

Q In what part of the town did your mother live? A Right in the southwest part, I think.

Q Then the next year you moved out on Fourteen Mile Creek? A Yes, sir.

Q How long did you live on Fourteen Mile Creek before you married?

A I guess my mother lived there two years.

Q And then you married? A Yes, sir.

Q When did you saw you were married the second time? A In 1891.

Q Now where were you living in 1891 when you married? A I was down in Sequoyah, and up in here.

Q What place in Sequoyah were you living? A I wasn't living there, I was staying down there, I didn't live there, but I was down in there.

Q Did you keep house any down there? A No, sir, never kept house any down there.

Q Did you keep house after your first wife died in '74 up till

1891? A No, sir, never kept house any, I was with my father then.
Q Is your father living now? A No, sir, he is dead.
Q When did he die? A I don't know when he died, it has been about twelve years ago.
Q Where did he live? A Over on Lightening Creek.
Commissioner: What is your father's name? A Rube Still.
Q Is he living? A No, sir, he is dead.
Q What is your mother's name? A Susie Glass.
Q Is she living? A Yes, sir.
Q You stated to Mr. Hastings you came with Cale Starr as far as Son Bois? A Yes, sir.
Q And afterwards you stated you came with Cale Starr to Fort Smith? A Ys, sir, with his wagons, came as far as Fort Smith.
Q Cale came as far as Fort Smith? A No, sir, his hired hands.
Q You left Cale Starr in San Bois?m A Yes, sir, in the store there.
Q You were sent to Fort Smith to get grub? A Yes, sir, Fort Smith
Q You never went back? A No, sir, just lit across the river; I had an uncle lived on the other side of the river named Tom Ragsdale, and I went right there.

L. D. Daniels, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name, L. D. Daniels? A Yes, sir.
Q What is your age? A 56.
Q Your postoffice Claremore? A Yes, sir.
Q You are a recognized citizen of the Cherokee Nation, a Freedman? A Yes, sir.
Q Do you know Thomas Harrison? A Yes, sir.
Q His name Harris or Harrison? A I always knew them by Blass, I guess he goes by his father's name.
Q What is his father's name? A His old man is named Glass.
Q He was a slave, was he? A Yes, sir.
Q Belonged to what Glass? A I don't know what Glass, I got acquainted with him and his mother in '66 at Fort Gibson; she has always gone by the name of Glass.
Q Do you know where he was during the war? A No, sir.
Q Where did you first see him after the war? A At Fort Gibson.
Q What year was that? A That was in August, '66.
Q Who was he with there? A He was at Peggy Hayes house where his mother was.
Q Did his mother live there then? A Yes, sir.
Q Have you known him since that time? A Yes, sir.
Q Has he lived in the Cherokee Nation all the time since that? A Well, I can't say for a fact because I didn't see him all the while, but I have seen him more or less for the last 17 years up here.
Mr. Hastings? Now L.D., you say the next few years after the war, after you first saw him, he continued to live at Fort Gibson, or give his whereabouts along about then? A Well I will; I believe that he left Gibson there when the cholera and went off, I don't know exactly where he went, his mother went up on Fourteen Mile Creek, and I believe it was in '76 I met him, as I told you, but about five years ago, at Chouteau, that is when I saw him the first time after he left Gibson.
Q You met him in '76 afterwards? A Yes, sir, somewheres along there, and then from that I seen him to Muskogee at the fair there.
Q How long he stayed there, I want to know, if you remember seeing him from '67 up to '76 when you saw him at Chouteau? A Yes, I seen him that was in '66, seen him up to '67 there until the cholera came.
Q I say from '67, after '67 up to '76, did you see him between those dates? A I don't remember whether I did or not.

Q You know where he was married the first time? A No, sir.
Q Do you know who his first wife was? A No, sir.
Q Do you know whether he had any children by her or not? A No, sir.

Thomas Harrison, recalled, testified:
Mr. Hastings: Where did you first see Dave French after the war?
A I saw him in Fort Gibson.
Q When? A Oh I can't tell you when, I always knew him all my life.
Q How long after the war was it you saw him? A I can't tell you that, because I always knew Dave French back here; that is the part I want him to testify.
Q You didn't see him then immediately after the war? A No, I didn't see him immediately after the war.
Q How about Harry Still, did you see him immediately after the war? A Yes, sir.
Q How long? A Well, I am not able to say that.
Q About how many years after the war? A About two years, or three of them.

Dave French, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Dave French.
Q How old are you? A 22.
Q What is your post office? A Lenapah.
Q Do you know the applicant here, Thomas Harrison? A Yes, sir.
Q What is his name, Harris or Harrison? A Tom Glass we used to call him.
Q How long have you known him? A I been knowing him a long while.
Q Know him before the war? A Yes, sir.
Q Who did he belong to? A A Cherokee by the name of John Glass.
Q John Glass was a Cherokee? A Yes, sir, full blood Cherokee.
Q Did you know his father? A Yes, sir, I knowed him father.
Q What was his name? A Reuben Still.
Q Who did he belong to? A He belonged to George Still.
Q Where did you first see Tom Harrison here after the war? A I don't recollect.
Q Don't know where you saw him after the war? A No, sir.
Q You just knew him before the war and knew him to be the slave of John Glass? A Yes, sir.
Mr. Hastings: Where did you live before the war? A I lived in Flint.
Q Near him? A Not so very far from him.
Q About how far? A Seven or eight miles.

Thomas Harrison, recalled, testified:
Mr. Hastings: Did you see Harry Still after the war? A I was at his house.
Q Where was that, on Verdigris River? A On Grand River.
Q About how many years? A I can't say.
Q That was after your mother lived out on the Fourteen Mile Creek?
A I don't know but what my mother was in Fort Gibson when I saw Harry, I never traced that up so close like I ought to.
Q That was the first time you saw him was it? A Yes, sir.
Q Was that in the spring or fall or the summer? A It seems it was in the summer, seems like it was to my judgment, spring or summer, I don't know which.

Q It was either in the spring or the summer? A Yes, sir, I don't know really which, particular.
Q It was the next spring or summer after you had made a crop for Steve Teshee? A Yes, sir, it was the third year.
Q After the war? A Yes, sir.

Harry Still, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Harry Still.
Q What is your age? A 54.
Q What is your post office? A Hayden.
Q Are you a recognized freedman of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant here, Thomas Harrison? A Yes, sir.
Q What is his name, Harris or Harrison? A His master's name is Glass.
Q I didn't ask you his master's name; you don't know what his name is? A Me and him is brothers.
Q Now he says his name is Harrison or Harris, I don't know which, do you know? A I don't know whether my father was named Harris or not, but we always called him Rube Still, I don't know what his father was named, he belonged to the Stills before the war.
Q Who? A My father did.
Q Are you and the applicant own brothers? We are half brothers, by one father.
Q Was the applicant a slave before the war? A I don't know, I have heard he belonged to John Glass before the war.
Q He was your brother, you ought to know who he belonged to? A He lived about twenty or twenty-five miles from where I lived, I lived in Going Snake and he lived in Flint.
Q Did he go out of the Cherokee Nation during the war? A I don't know that.
Q When did you first see him after the war? A '67.
Q What part of the year? A It was about the middle of '67.
Q That the first time you saw him after the war? A Yes, sir.
Mr. Hastings: You had different mothers? A Yes, sir, we had different mothers.
Commissioner: You don't know then when he returned? A No, sir, I don't know when he returned, but '67 is the first time I saw him.

Thomas Harrison, recalled, testified:
Commissioner: Do you ever write your name? A No, sir, I can't write at all.
Q You go by the name Harris, do you, or Harrison? A Well, they call me either way and I answer either way, Harris or Harrison, so I don't know just which, of course I can't write myself.
Commissioner: The wife says her name is Harris, I guess we had better put him Harris.
Q You changed your name to Harris? A Yes, sir.
Q Why? A I knew John Glass wasn't my father and I wanted my own name.
Q You think your father's name was Harris? A Yes, sir, at least he told me that ought to be his name.
Q Is he living? A No, sir, he is dead.
Q Is his name on any of the rolls? A No, sir.
Q Have you got any certificate of marriage between yourself and your present wife? A Yes, sir, (hands Commissioner paper).
Commissioner: The applicant presents a certificate of marriage certifying that Thomas H. Harrison was married to Miss Minerva Douglass, according to the laws of the United

States of America on the 3rd day of October, 1891, by the Rev. Thomas J. Casey.

Q You didn't have any license? A No, sir, they told us both we were Cherokee citizens and we didn't need it.

Mr. Hastings: I see in this license where you were married in 1891 that the name is given as Thomas H. Harrison, of Muskogee? A Yes, sir.

Commissioner: Your right name is Thomas H.? A Yes, sir, I suppose that is it, when they writes it, but I don't know how they put it, and I just told them that is what is my name.

Commissioner: Thomas Harrison applies for the enrollment of himself. He avers that he was married to one Minerva Douglass, a Cherokee Freedman, in the year 1891, and makes satisfactoru proof of said marriage, license being filed herewith. From an examination of the records, it appears that his wife has been duly listed for enrollment as a Cherokee Freedman on a straight card, No. 1033, as Minerva Harris. It is evident that she intended to state that her name was Harrison Applicant cannot be identified upon any of the rolls of the Cherokee Nation now in the possession of the Commission. He avers that he was the slave of John Glass. As to his residence and citizenship reference is made to the testimony. He will now be listed for enrollment as a Cherokee Freedman upon a doubtful card! He will be notified by mail of the action of the Commission on his application, when a decision is rendered.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 27th of June, 1901.

[illegible]

Commissioner.

A. F. 176

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 20 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 20, 1901

Post Office Tenapah, I.T.

District

1. Name [illegible] Age [illegible]

Owner's name [illegible] Citizenship [illegible]

Year Page No. District

Parents:

Father [illegible] Citizenship

Mother [illegible] Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Not Freed

Names of Children

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12	Year	Page	No.	Dist.

Application made by Stenographer

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 20 1901

CERTIFICATE of MARRIAGE.

[illegible]

HOLY MATRIMONY

[illegible] Harrison [illegible] Muskogee
[illegible] Lawrence Douglass [illegible] [illegible]
[illegible] married [illegible]
Witness [illegible] [illegible]

[illegible] Oct. 3, 1891 [illegible]

OUR BROTHER IN RED PUB. CO., Muskogee, I. T.

F. D. 776

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 190

Given under my hand this .....

day of ..... A. D. 190

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

..... day of ....., 190 .

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

Thomas Harrison

on the 24 day of Sept A. D. 190

Wilson Lowery

Subscribed and sworn to before me this SEP 24 1901

J C Starr

Notary Public.

MY COMMISSION EXPIRES
MAY 26th, 1902.

NOTICE!

IN THE MATTER OF the application of Thomas Harrison for enrollment as Cherokee Freedmen.

Case No. F. D 776

To Thomas Harrison

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Ft. Gibson Indian Territory, on Sept. 25th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 24th 1901.

N. Bell

M. M. Harlinger

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

In the matter of the application of Thomas Harrison for enrollment as a Cherokee Freedman.

No. I. D. 776

Henry Pack, of lawful age, being duly sworn on oath states that on the 20 day of September, A. D., 1901, he registered to Thomas Harrison whose postoffice is Vinita, Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Vinita, Indian Territory; and that on the 24 day of September, 1901, he received the return card which is hereto attached, signed by the said Thomas Harrison, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 20 day of Sept 2 A. D. 1901.

Notary Public.

8

N6D776

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 1901

Given under my hand this

day of ..... A. D. 1901.

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

..... day of ....., 1901.

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to ...

.....

on the day of A.D.1901

.....

Subscribed and sworn to before me

this day of A.D.1901.

.....

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Thomas Harrison for enrollment as a Cherokee citizen:

Case No. D 776

To Thomas Harrison Lenapah I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on 25th Sept. [illegible] or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible]

[illegible]

Attorneys for the Cherokee Nation.

DEPARTMEN[illegible] NTER[illegible]
COMMISSION TO [illegible] UTILIZE [illegible]
[illegible] D
SEP 26 190[illegible]

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
—
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Fort Gibson I.T. Sept 26/01

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Thomas M. Harrison for enrollment as Freedmen of the Cherokee Nation.

J. P. Bledsoe
Atty for applicant

No. 7-16 Dy

FILED
4 1902

THIS CERTIFIES THAT

united

MARRIAGE

[illegible] -77[illegible].

[illegible]

[illegible]

[illegible]

The record [illegible] ([illegible]) [illegible] [illegible], [illegible] [illegible] [illegible]

Cherokee Freedmen D 776

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas H. Harris as a Cherokee Freedman.

--:--

D E C I S I O N.

The record in this case shows that on June 20, 1901, Thomas H. Harris (Harrison) appeared before the Commission at Nowata, Indian Territory, and made application for enrollment as a Cherokee freedman.

The evidence in this case shows that the applicant, Thomas H. Harris, was the slave of a Cherokee citizen at the commencement of the rebellion; and that he was taken from the Cherokee Nation during said rebellion, but returned thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation, and has since continuously resided therein.

It is, therefore, the opinion of this Commission that Thomas H. Harris should be enrolled as a Cherokee freedman, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

Commissioner

Dated at Muskogee, I. T.,

this JUN 30 1905

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Thomas H. Harrison,
[illegible], I. T.
Cherok[illegible]
Register.

COMMISSIONERS
TAMS BIXBY
THOMAS B. NEEDLES
C. R. ROE, KINSLOW
W. T. STANLEY

ALEXANDER H. EWING
SECRETARY

ADDRESS ALL LETTERS TO THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER TO THE FOLLOWING

E.80 & 81.

Muskogee, Indian Territory, March 3, 1904.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

You are directed to advise the Creek Enrollment Division whether or not Thomas Harrison (or Tom Harris) has been enrolled by the Cherokee Enrollment Division as a citizen of the Cherokee Nation or if application has been made for his enrollment as such. Said Thomas Harrison was married to a Cherokee citizen and lived at Wagoner, Indian Territory.

The name of said Thomas Harrison appears upon the 1890 and 1895 authenticated tribal rolls of the Creek Nation with the Arkansas Colored Town.

Respectfully,

Commissioner in Charge.

Creek E 80 & 81
Cherokee Freedmen
D 776

Muskogee, Indian Territory, March 7, 1904.

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
General Office.

Gentlemen:

Receipt is hereby acknowledged of your letter of March 3rd, stating that the name of Thomas Harrison appears upon the 1890 and 1895 authenticated tribal rolls of the Creek Nation, Arkansas Colored Town, and asking to be advised whether or not this person, under the name of Thomas Harrison or Tom Harris, has been enrolled as a citizen of the Cherokee Nation or whether application has been made to the Commission for his enrollment as such. It is further stated that said Thomas Harrison was married to a Cherokee citizen and lived at Wagoner, Indian Territory.

In reply you are advised that on June 20, 1901, Thomas H. Harrison applied to this Commission for enrollment as a Cherokee freedman, that his age was given as 52 years, his postoffice address as Lenapah, I. T., his father's name as Reuben Still, mother's name not given, and his former owner's name as John Glass. From the record in this case it appears that the applicant's present wife is

one Minerva Harrison, a Cherokee freedman, that he was previously married in about 1870, in the Creek Nation, to a Creek woman and lived with her, near Muskogee, for four years, since which time he has lived in the Cherokee Nation. The applicant testifies that he is sometimes known as Thomas Harris. He is not identified upon any of the Cherokee tribal rolls in possession of this Commission, and he has been listed for enrollment upon Cherokee Freedmen card D 776.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedmen

D-776.

Muskogee, Indian Territory, June 30, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of Thomas H. Harris as a Cherokee freedman.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Incl. S-73

Cherokee F D-776.

COPY

Muskogee, Indian Territory, July 18, 1905.

Thomas H. Harrison,

Lenapa h, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting your application for enrollment as a Cherokee freedman.

You are advised that you will not be permitted to make an allotment selection until your name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

(SIGNED) Tams Bixby.

Commissioner.

Incl. L-74.

GHL

Cherokee F D-77.

Muskogee, Indian Territory, July 18, 1905.

COPY.

I. P. Bledsoe,

Agent for Thomas H. Harrison,

Choteau, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of Thomas H. Harrison as a Cherokee freedman.

Respectfully,

(SIGNED). Tams Bixby.

Commissioner.

Incl. 1-75.

GHL

REGISTRY RECEIPT.

FT. GIBSON, I. T.
SEP 17 1901

Post Office at

Registered Letter / Parcel No. Recd , 190

of

addressed to

Hubbard Ross P. M. P. M.

END
OF
ROLL